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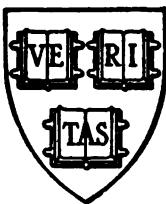
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FROM

William Endicott Jr.

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H I S T O R Y
O F T H E
C R O M W E L L I A N S U R V E Y O F I R E L A N D
A. D. 1655-6,
COMMONLY CALLED "THE DOWN SURVEY."

EDITED,
FROM MANUSCRIPTS IN THE LIBRARIES OF TRINITY COLLEGE, DUBLIN, THE KING'S INNS, DUBLIN,
AND THE MARQUIS OF LANSDOWNE,

BY
THOMAS AISKEW LARCOM,
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EDITOR'S PREFACE.

IT had long been known that Sir W. Petty had left an account of the Down Survey. He refers to it in several of his writings, and makes mention of it in his "Last Will and Testament," published with the volume of his Tracts, printed in Dublin, 1769. In his "Reflections upon some Persons and Things in Ireland," he states : " A fourth treatise I have, far greater than any of those above mentioned, being an history of the survey and distribution of the forfeited lands in Ireland, and withall a series of my own services and sufferings with reference thereunto, and to that nation ; which work consists chiefly of all Acts of Parliament, resolves of all general assemblies of the army, orders of the Council, acts of councils of war, results of committees, petitions of agents, references, reports and accounts, &c., relating to all and singular the premises."

In his will the following occurs : " I value my three chests of original maps and field-books, the copies of the Down Survey, with the barony maps, and the chest of distribution books, with two chests of loose papers relating to the survey, the two great barony books, and the *Book of the History of the Down Survey*, altogether, at £3000."

In the Supplement to the Third Annual Report of the Irish Record Commissioners, page 499, an extract is given from a memorandum by Mr. Hardinge, of the Surveyor-General's office, in which, speaking of documents connected with the Down Survey, more especially the barony maps, he writes: "Similar copies of these were in the possession of the Shelburne family, and deposited in Shelburne House, Stephen's-green, where I saw them about the year 1777." This seemed to render it probable that the History of the Down Survey was also still preserved among the muniments of the family, but it had never been printed.

In the year 1834, at the sale of the library of Lord De Clifford, the manuscript now printed was purchased by the late James Weale, Esq., of the department of Woods and Forests, an ardent collector of matters and papers relating to Ireland. Mr. Weale thus described it at the time, in a letter to the Editor, dated Whitehall, April 1st, 1834: "I forget whether I have informed you of my recent acquisition of a thick folio volume of manuscript, comprising copies of all the official proceedings preliminary to and during the employment of Sir William Petty in the business of the Down Survey, with a running commentary, written by the Doctor. The writing was supposed to be Sir William's; but though it resembles his, I am satisfied it is only a fair transcript, made under his personal direction, of the third article mentioned by him in the pamphlet I sent to you, as ready for publication, in answer to Sankey's charges against him. Or it may be a first volume of the larger work he there speaks of, as giving a full account of the Survey.

"I bought it at the sale of Lord De Clifford's manuscripts, and Mr. Thorpe made me pay for it; but I am very well satisfied with my bargain, for it contains an invaluable mass of information, which I have not yet discovered to be elsewhere in existence, though it is
probable

probable there may be another transcript among the Petty collections at Bowood. It bears the autograph of Sir Robert Southwell, to whom Petty seems to have communicated, *de die in diem, et in extenso*, even when in London together, every act of his life; and I am in hopes of discovering the letter from Petty which accompanied the volume in its transmission to Southwell.

"I propose to have a copy of it made, but until I possess such duplicate, I shall be unwilling to risk the loss of it, otherwise I would take it with me to Dublin for your inspection."

Mr. Weale died in 1838, and several of the manuscript and other works in his collection were purchased by the Government, chiefly through the enlightened and liberal intervention of the late Sir Robert Peel; among others, the History of the Down Survey. In the year 1842, the present Earl of St. Germans was Chief Secretary for Ireland, and at his instance and recommendation this curious manuscript was presented to the Library of Trinity College, Dublin.

At that time the Irish Archaeological Society had been recently formed, and our invaluable colleague, the Rev. Dr. Todd, as Secretary to the Society, proposed to the Editor the task he is only now performing.

It is hoped that the active duties of official life, and the almost total obstruction such duties present to the prosecution of more congenial pursuits, will be admitted as a sufficient apology for the delay, and those circumstances must be most humbly pleaded in excuse for the imperfect manner in which the work has been even now performed.

It is scarcely necessary to say, that the Notes which have been appended to the narrative, short as they are, are confined to the elucidation of the narrative itself, and do not extend to the more general subject of the distribution of lands. Sir William Petty himself felt

that a separate treatise was required for the account of that work, and it is greatly to be regretted that he did not carry out his intention of writing one. The Notes to such a work would necessarily extend to the Acts of Settlement and Explanation, involving the history of the country, and indeed, to some extent, of the families settled in it, at that period. Such a work, however, with a similar account of the contemporary removals from the other provinces into Connaught, and the manner in which they were conducted, would be a valuable addition to the general, as well as local history of Ireland.

The Editor lost no time in addressing the Marquis of Lansdowne, as well for his Lordship's concurrence in the publication of the volume, as with a view to ascertaining whether any copy still remained among the family papers. That distinguished nobleman, with his usual frankness and liberality, not only searched for the desired treasure, but intrusted it to the Editor, and sent it to Dublin, where the two copies were carefully collated and compared.

Subsequently the Editor was informed that a third copy of the manuscript was in the Library of the King's Inns, in Dublin, which was carefully read over and compared, word by word, with the others, and the differences noted. It is not known to the Librarian how the work came into the possession of the Benchers; but its agreement with the Lansdowne copy in the words or phrases in which that copy differs from the College copy, are sufficient to show it to have been taken from the former. The writing and paper are much more modern than either of the others, probably not earlier than the middle or close of the last century. It was therefore, perhaps, transcribed from the family copy, with Lord Shelburne's permission, while that nobleman resided in Dublin.

The differences between the three are wholly unimportant, confined chiefly to the spelling of words, with, in the King's Inns copy, the omission

omission or transposition of a few occasional paragraphs, from carelessness of the transcriber. The Lansdowne and College copies are, apparently, of the same date, and both bear corrections which appear to be by Sir William Petty himself. The discrepancies, however, between these two are such as would appear to show that neither of them is copied from the other, nor has any common original been discovered. Perhaps, if a conjecture on a subject not very important may be hazarded, it is not improbable that the narrative part of both may be written from short-hand, taken down by dictation from the author. Stenography is known to have been common at that time ; witness the Diary of Pepys, of which the short-hand original remains in the Library of Magdalen College, Cambridge ; and the following memorandum, which occurs in a volume of Petty manuscripts, now in the possession of Messrs. Hodges and Smith, of Grafton-street, shows such to have been the practice of Dr. Petty :

“ His way was to retire early to his lodgings, where his supper was only an handfull of raisins and a piece of bread. He would bid one of his clerks, who wrote a fair hand, go to sleep ; and while he eat his raisins and walked about, he would dictate to the other clerk, who was a ready man at short-hand. When this was fitted to his mind, the other was roused, and set to work, and he went to bed, so that next morning all was ready.”

This paragraph is among many other curious notices of his habits, in explanation of the manner in which he was able to accomplish the duties of his office, as Clerk of the Council, in addition to his many other duties, as Commissioner of Distribution, Secretary to the Lord Lieutenant, Physician to the Forces, &c. But in regard to our manuscripts, it allows us to suppose that the slight differences are merely such as different clerks might make in transcribing from such an original ; as in the works published by Sir William during his life, the words

words are, with few exceptions, written as they would be at the present day. It has not been thought desirable; however, on this account, to depart from the manuscripts themselves. The College copy has been chiefly followed, and the Lansdowne manuscript resorted to when it removed obscurities.

In regard to the date at which the work itself was written, it is only to be observed, that the narrative terminates in July, 1659. At page 81, the author speaks of October, 1659, as past, and in the same page writes, incidentally : "A great part of the army, at least the most complaining part, had their land anno 1655, the rest receiving theirs anno 1656, since which there have been three Parliaments." We know that the Parliament which was assembled in 1656 was dissolved, in 1658, by the death of the first Protector. Richard Cromwell's Parliament, in which Dr. Petty sat for West Looe, met in January, 1659, and was dissolved in April of the same year. The remnant of the Long Parliament was called together in the following month, interrupted by Lambert in October (which may have been considered as completing a session), assembled again in December, and in March, 1660, dissolved itself, after issuing writs for the Convention Parliament, which met on the 25th April, 1660, and restored the King.

This would fix the date of our history towards the end of 1659, or beginning of the following year, which is confirmed by many parts of the narrative, as well as by other works of the author.

Thus, in the volume called "Reflections upon some Persons and Things in Ireland," which was probably written very shortly afterwards, he speaks of the change of government: "My adversaries having thrown down the government, laws, and governor under which I acted, may oppress me too." This would seem to refer to the destruction of the Protectorate by the army, not to the restoration of the

the monarchy. Again, in the present work, as well as in the "Reflections," he always speaks of Henry Cromwell, for whom he appears to have entertained a sincere respect and esteem, in the past tense, but had not yet arrived at the time when, in some of his later writings, he adopts the phraseology of the monarchy, and calls Oliver "the Usurper."

He had, therefore, only reached his thirty-sixth year (having been born in 1623), an age at which it is the lot of few men to record the successful accomplishment of so great a work, and the performance of such multifarious and complicated duties.

In regard to the designations Civill Survey and Grosse Survey, which occur so frequently, and Down Survey, which more especially has been a subject of conjecture, it will be seen by this work that the Civill Survey was the terrier or list of forfeited lands, prepared under the commissioners appointed by the commission of 1st June, and Act of 26th September, 1653. The Grosse Survey was the designation by which the surveys ordered by the commission above quoted are referred to in the Act. It is, therefore, the name given by Dr. Petty to the surveys made under that Act by his predecessor Mr. Worsley, and others, which furnished only the "grosse surroundes" of the lands surveyed ; and the Down Survey was so called simply to mark its distinction from those former surveys, by its topographic details being all laid down by admeasurement on maps. This is well expressed in the letter from Mr. Weale, already quoted, in which he says : "Childish as the etymon has always sounded in my ears, I am obliged to admit that the Survey obtained its name solely from the continued repetition of the expressions, 'by the survey laid down,' 'laid down by admeasurement,' in contra-distinction to Worsley's surveys, the word Down being so written as often as it occurs in the MS."

It must be admitted that the name would have equally applied to the

the Strafford Survey, which it is now clear was also laid down on maps, but for the sake of contrasting Dr. Petty's work, by some distinctive cognomen, with the Civil and Grosse Surveys. It was indeed, so far as relates to the name, only carrying out the instructions given by the commissioners to the old surveyors, before the Survey was undertaken as a whole by Dr. Petty, as will be seen by a paper printed in the Appendix (p. 388), where they are ordered to "sett downe" certain boundaries "in a toutch plott." It may also be observed, that the name is still used in Ireland among the country surveyors of the old school, for any survey laid down on a map, as distinguished from a mere list of areas, which they also call a survey.

The volume of "Reflections" above alluded to was printed in London, in 1660, and reprinted in Dublin, in 1790. It contains a general account of the principal matters connected with the Survey, and the troubles which it brought upon its author, purporting to be a correspondence between Dr. Petty and a friend, but obviously written altogether by the Doctor himself. It is seasoned with a breadth and drollery which the Doctor intended to avoid in this graver work, but it may, nevertheless, be read with advantage in connexion with our present History.

The Act of Parliament of 26th September, 1653, and the Ordinance, Commission, and Instructions connected with it, in virtue of which the Survey was made, are so frequently referred to in the History, and are so essential to a good understanding of it, that it has been thought desirable to print them in the Appendix. They occur in Scobell's Acts and Ordinances, published by authority, under the Protectorate, in 1658. The volume is not common, but there is a fine copy in the Library of Trinity College.

In illustration of the Civill and Grosse Surveys, a copy is also given of two of the Orders and Instructions of the Commissioners Fleetwood, Corbet, and Jones, from many which are still preserved among

among the papers of the old Surveyor-General's office, in the Record Branch of the Office of the Paymaster of Civil Services in Ireland. Also, from the same valuable depository, an example of the descriptive part of each of those works, and of the Strafford Survey, from a rare volume of MS. Collectanea, preserved and arranged by the zeal and care of the present keeper of those records, W. H. Hardinge, Esq.; and, for comparison with them, a reference-sheet of the Down Survey. The Maps of that work are too well known to render any illustration of them necessary. It is known, also, how extensively they suffered from the fire which destroyed the Council Office, and Surveyor-General's office, in 1711, when the greater part of the contents of those depositories were consumed or lost. Their present condition, and the extent to which they were preserved from the conflagration, with the restoration of the barony maps, by copies made by General Vallancey, are fully detailed in the Supplement to the Third Report of the Irish Record Commissioners. Since these documents have been placed in their present location in the Custom House, several additional manuscript volumes, and fragments of maps and papers, have been collected and arranged by Mr. Hardinge; so that all which now remains of the great work of Dr. Petty is easily accessible, and, being in an insulated stone building, is practically secure from similar accident for the future.

In the Appendix it has also been thought desirable to print copies from several papers relating to the Survey, subsequently to the Restoration, which occur, with many others of the same date, in a series of manuscript volumes in the Record Tower of Dublin Castle, under the care of Sir William Betham. These volumes are described by Mr. Groves, in the Appendix to the Fifteenth Annual Report of the Irish Record Commissioners.

In the College copy of this manuscript there is a memorandum, in the handwriting of Mr. Weale, detailing the contents of the volume,

and other circumstances and conjectures connected with it; and one also by Mr. Hardinge, both of which, as they give authenticity to the volume, are appended to these remarks.

To this Preface is also appended, as introductory to the larger history, a paper called "A briefe Account of the most materiall Passages relating to the Survey managed by Doctor Petty in Ireland : anno 1655, 1656." This is from a manuscript volume in the Paymaster of Civil Services' Office, which contains numerous valuable papers. Some of them appear to be autograph, and some are of a private nature; one of these, containing instructions to his agent in Kerry, is printed in the Appendix, as evincing the watchfulness with which Sir William regarded his Irish property.

A work called "A Briefe of Proceedings between Sir Jerome Sankey and the Author, by Sir W. Petty," is mentioned by Watts as published in London, in 1660; but, after much search, the Editor has been unable to discover any copy of it. It is probably a condensed view, similar to the manuscript mentioned above, but relating to the proceedings detailed in the concluding chapters of this work, as that does to the Survey itself, and may have been put forth by Dr. Petty for his immediate justification at the time.

The Editor has now to perform the agreeable duty of acknowledging his obligations to all who have furnished him with information in the course of this work; more especially to his friends, the Rev. Dr. Todd, and Dr. Aquilla Smith, on whose kind advice and assistance he has been allowed on all occasions to rely, a privilege of which he has largely availed himself; also to Sir William Betham; and to W. H. Hardinge, Esq., the zealous keeper of the valuable papers accumulated in the Record Branch of the Paymaster of Civil Services' Office; from both of whom he has received every facility and assistance in consulting the muniments committed to their charge.

DOCUMENTS

DOCUMENTS REFERRED TO IN THE FOREGOING.

*MEMORANDUM by MR. WEALE, on SIR WILLIAM PETTY's History of the Down Survey
of Ireland.*

This is unquestionably a very valuable manuscript, and contains an historical relation of proceedings taken towards carrying into effect the Act passed in the Parliament of the Commonwealth of England, in 1653, for the Survey and Distribution of the Forfeited Lands in Ireland, drawn up by Sir William Petty himself, in vindication of his conduct in the business, and in answer to the charges brought against him by Sir Jerome Sankey and others.

I bought it at the sale, at Christie's, of the Southwell Collections at King's Weston, after the death of Lord De Clifford, whose ancestor, Sir Robert Southwell, Secretary of State, temp. James II. and William III., was the most intimate friend of Sir William Petty. It bears the autograph of Sir Robert on the fly-leaf, and some of the marginal notes are certainly in the handwriting of Sir William ; but although the character of the manuscript, generally, strongly resembles that of some early autograph manuscripts of Sir William, I doubt whether he would have spared the time required to make a fair transcript of so bulky a composition, however laborious he was at the period of its compilation. I incline, therefore, to think, that the manuscript is the work of some clerk in his employment, whose handwriting had been formed on the model of his own, and that it is the fair copy prepared for the Press.

It is distinctly mentioned in his publication, entitled "Reflections upon some Persons and Things in Ireland," &c., printed at London, 1660, in 8vo., as one of the works he had then in hand, relating to the forfeitures in 1641; and among the original correspondence between Sir William Petty and the Southwells, which was disposed of at the same sale, I found several of Sir William's and Sir Robert's letters, in which it was also referred to. See also Thorpe's Sale Catalogues of the Southwell Manuscripts, purchased by him at the same auction.

Whether the original draft of the manuscript, or any other copy of it, be in existence,

istence, must always remain doubtful ; but, after much research and inquiry, I have not discovered any evidence or notice indicating that another had been made, or was known to be extant. If there be another copy or fragment, either in the autograph of Sir William, or a transcript by some other hand, it is most likely to be found in the Marquis of Lansdowne's collections of Sir William's papers and muniments of title to the property he inherits from him.

As to the intrinsic value of the manuscript, independently of all personal matter in vindication of his own conduct, or in crimination of the parties opposed to him, it contains numerous official documents, relating to the several surveys of Irish forfeited estates, made under the direction of the Earl of Strafford, when Lord Deputy of Ireland in the reign of King Charles I., as well as those called the Grosse and Civill Surveys, and Sir William's own Survey, called the Down Survey, made in pursuance of the Act of 1653, and according to which last-mentioned Survey upwards of eight million acres of land were assigned and distributed under the provisions of the Acts of Settlement and Explanation, temp. Charles II., which constitute the foundation of more than half the present titles to property in Ireland.

The transcripts of those documents contained in the volume are, I have some reason to believe, the only existing record of all or the greater part of them, for it is believed that the original office-books, which contained entries of the Proceedings, were all destroyed by the fire at the Council Office, in Dublin, which occurred in 1711; and after the numerous researches I have had occasion to make, during the last ten years, among all the records and muniments preserved in the public offices in Dublin, relating to the forfeited estates, and likewise among private collections, I have never alighted upon any of the originals, or copies of any of them.

For these reasons, great care should be taken for the preservation of this volume, and which I would myself deposit in the New Record Office at Dublin, if in justice to my family I could afford to sacrifice to public use the money it ought to produce to them by a sale of it.

This volume, and the folio volume in MS. relating to the Irish Forfeitures of 1689, and the volume of printed Proclamations, published in Ireland during the reign of James II., are beyond all estimate the most valuable articles in my collections.

(Signed)

YORK BUILDINGS, LONDON,
April 16, 1837.

JAMES WEALE.

MEMORANDUM

MEMORANDUM by MR. HARDINGE.

I BELIEVE the whole of the above account to be correct, and that the originals of the books described are not in existence. If they are, they should be found amongst the Parliamentary Records in the charge of Sir William Betham, at the Record Tower.

The volumes would be very useful, in conjunction with the 1688 forfeited records, in the custody of the Paymaster of Civil Services.

(Signed)

RECORD OFFICE, CUSTOM HOUSE,
March 18, 1841.

W. H. HARDINGE.

*A BRIEFE ACCOMPT of the most materiall Passages relatinge to the Survey managed by
DOCTOR PETTY in Ireland, anno 1655 and 1656.*

BARONYES in Ireland are of various extents, viz^t, some but 8000 acres, and some 160,000 acres.

The first survey or old measurement was performed by measuringe whole baronyes in one surround, or perimeter, and payinge for the same after the rate of 40^d for every thousand acres contayned within such surround; whereby it followed that the surveyors were most unequally rewarded for the same worke, viz^t, he that measured the barrony of 160,000 acres did gaine neere five tymes as much per diem as he that measured that of 8000 acres. Besides, wheras 40^d were given for measuringe 1000 acres, in that way 5^d was too much, that is to say, at 5^d per 1000 a surveyor might have earned above 20^d per diem cleare, wheras 10^d is esteemed, especially in long em-
ployments, a competent allowance.

The error of this way beinge discerned, the same undertakers order, that instead of measuringe entire baronyes as before, that scopes of forfeited profitable lands should bee measured under one surround, bee the same great or small, or wheather such scopes consisted of many or few ffarne lands, townelands, ploughlands, or other de-
nominations usuall in each respective county or barrony. And for this kind of worke the surveyor was to have 45^d for every thousand acres, abatinge proportionably for such parcells, either of unprofitable or unforfeited land as should happen to be sur-
rounded within any greater scope. Now this latter way, besides the inconvenencyes above mentioned, laboured with this other and greater, viz^t, that by how much the measurer's paynes and worke was greater, by soe much his wages and allowance was lesse,

^a From a manuscript in the Record Branch of the Office of the Paymaster of Civil Services in Ireland.

lesse, soe as noe surveyor could foresee wheather hee should be able to performe his respetive undertakinge at the rate above said, or that hee should not gaine exorbitantly by it.

Hereupon D^r Petty propounded that the whole land should be measured both accordinge to its civill bounds, viz., by barronyes, parishes, townelands, ploughlands, belliboes, &c., and alsoe by its naturall boundings by rivers, ridges of mountaines, rockes, loughes, boggs, &c.; as answeringe not onely the very ends of satisfyinge the adventurers and souldiers them in view, but all such other future ends whatsoever as are usually expected from any survey.

The objection was, that the same would not be don under twenty yeares tyme, and the settlement must be soe longe retarded. It was answered, that security should be given for performinge the whole in thirteen months, provided the allowance might be somewhat extraordinary. Hereuppon the army agree to give out of theirre owne purses soe much as should be requisite over and above what the councell were limitted unto by theirre superiors.

This undertakinge extended onely to the provinces of Ulster, Lienster, and Manster (that of Connagh beinge reserved for the Irish), nor unto all the lands in the said three provinces, although the same labour and method would have effected the whole, and more, as well as what was.

Now the method and order used by the said Petty in this vast worke was as followeth, viz.:

Whereas surveyors of land are commonly persons of gentile and liberall education, and theirre practise esteemed a mistery and intricate matter, farr exceedinge the most parte of mechanicall trades, and withall, the makeinge of theirre instruments is a matter of much art and nicety, if performed with that truth and beauty as is usuall and requisite. The said Petty, consideringe the vastnesse of the worke, thought of dividinge both the art of makeinge instruments, as alsoe that of usinge them into many partes, viz^t, one man made onely measuringe chaines, viz^t, a wire maker; another magnetical needles, with theirre pins, viz^t, a watchmaker; another turned the boxes out of wood, and the heads of the stands on which the instrument playea, viz^t, a turnor; another, the stands or leggs, a pipe maker; another all the brasse worke, viz^t, a founder; another workman, of a more versatile head and hand, touches the needles, adjusts the sights and cards, and adaptates every peece to each other.

In the meane tyme scales, protractors, and compasse-cards, beinge matters of accurate division, are prepared by the ablest artists of London.

Whether alsoe was sent for, a magazin of royll paper, mouth-glew, colours, pencils, &c. At the same tyme, a perfect forme of a ffeild booke haveinge bin first concluded

concluded on, uniforme bookees for all the surveyors were ruled and fitted accordinge to it, and moreover large sheetes of paper, of perhaps five or six foote square, were glewed together, and divided throughout into areas of ten acres each, accordinge to a scale of forty Irish perches to an inch, and other single sheets (by a particular way of printinge dry, in order to prevent the uncertainties of shrinkinge in the paper) were lined out into single acres.

Dureinge the same tyme, alsoe, portable tables, boxea, rulers, and all other necessaryes, as alsoe small Ffrench tents, were provided to enable the measurers to doe any buissnesse without house or harbour, it beinge expected that into such wasted countryes they must at some tymes come.

Dureinge the same tyme, alsoe, bookees were preparinge of all the lands' names to be measured, and of their eould propreitors, and guesse-plotte made of most of them, whereby not onely to direct the measurers where to beginne, and how to proceed, &c., but alsoe to enable Petty himselfe how to apportion unto each measurer such scope of land to worke uppon, as hee might be able to finish within any assigned tyme.

At the same tyme care was taken to know who were the ablest in each barony and parish to shew the true bounds and meares of every denomination, what convenient quarters and harbors there were in each, and what garrisons did everywhere lye most conveniently for their defence, and to furnish them with guards, and with all who were men of creditt and trade in each quarter, fitt to correspond with for furnishinge mony by bills of exchange and otherwise; and, lastly, who were men of sobriety and good affection, to have an eye privatly over the carriage and diligence of each surveyor in his respective undertakinge.

Another person is appoynted to sollicite under offices for mony, and to receive it from severall publique and private persons, uppon whome each summe was assigned by the publique Treasurer. The same alsoe paid bills upon stated accompta, drew bills of exchange into the country, &c., as alsoe attended the course of coynes, which often rose and fell in that time; and was to beware of adulterate and light peeces, then and there very rife.

But the principall division of this whole worke was to enable certayne persons, such as were able to endure travaile, ill lodginge and dyett, as alsoe heates and colds, beinge alsoe men of activitie, that could leape hedge and ditch, and could alsoe ruffle with the severall rude persons in the country, from whome they might expect to be often crossed and opposed. (The which qualifications happend to be found among severall of the ordinary sholdiers, many of whom, havinge bin bread to trades, could write and read sufficiently for the purposes intended.) Such, therefore (if they were but headfull and steddy minded, though not of the nimblest witts), were taught, while
the

the other things aforementioned were in doinge, how to make use of their instruments, in order to take the bearinge of any line, and alsoe how to handle the chaines, especially in the case of risinge or fallinge grounds; as alsoe how to make severall markes with a spade, whereby to distinguish the various breakings and abutments which they were to take notice of ; and to choose the most convenient stations or place for observations, as well in order to dispach as certaynty. And lastly, they were instructed, per autopsiam, how to judge of the vallues of lands, in reference to its beare qualities, and accordinge to the rules and opinions then currant, to distinguish the profitable from such as was to be thrown in over and above, and not paid for at all. Another sort of men, especially such as had beene of trades into which payntinge, drawinge, or any other kind of designinge is necessary, were instructed in the art of protractinge, that is, in drawinge a modell or plott of the lands admeasured, accordinge to a scale of 40 perches to the inch, accordinge to the length and bearinge of every side transmitted vnto the said protractors in the ffeild bookees of the measurers last above described; the which protractions were made upon the papers aforementioned, which were squared out into areas, some of 10, some of single acres. These men, and sometimes others of smaller abilities, were employed to count how many of the said greater or lesser intire areas were comprehended within every surround.

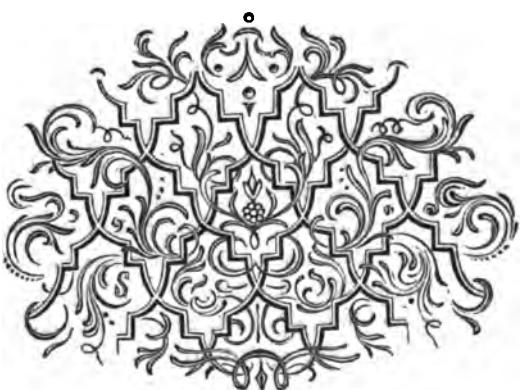
And withall unto how many intiere acres the broken skirtinge reduced from decimall parts did amount unto, which worke was soe very easie, that it was as hard to mistake, as easie to discover and amend it, and infinitly more obvious to examination and free from error, then the usuall way of reduceinge the whole surround into triangles was, and deducing the content from laborious prostapheresis of them. The next worke was reducinge barrony plotts, which, accordinge to the scale of 40 perches to the inch, were somtymes 8 or 10 foot square, or thereaboutes, within the compasse of a sheet of a royal paper, whether the scale happened to be greater or less, soe as all the barrony plotts, being reduced to one size, might be bound up togeather into uniforme bookees, accordinge to the countyes or provinces unto which they did belonge. These reducements were made by paralelagrames, of which were made greater numbers, greater variety, and in larger dimensions, then perhaps was ever yet seene upon any other occasion. Some hands that were employed in the said reducements did, for the most parte, performe the colouringe and other ornament of the worke.

Over and above all these, a few of the most nasute and sagacious persons, such as were well skilled in all the partes, practices, and frauds, appartayninge unto this worke, or whereunto it was obnoxious, did in the first place view the measurers ffeild bookees, and there by the same critickes as artists discerne originalls from coppyes in paintinge, and truely antique medall from such as are counterfeit, did en-devour

devour to discover any falsification that might be prejudicall to the service. The same men alsoe reprotracted the protractions above mentioned, compared the comon lines of severall men's worke, examined wheather any of the grounds given in charge to be admeasured were omitted; and, lastly, did cast up all and every the measurers workes into lineary contents, accordinge to which the said Petty paid his workmen, although he himselfe were paid by the superficiall content, or number of acres, which the respective admeasurements did conteyne; the which course of payement he tooke to take away all byas from his under measurers to returne unprofitable for profitable, or vice versa, he himselfe haveinge engaged, in an ensnaringe contract, begetinge suspicions of those evills against him, in as much as he was paid more for profitable then unprofitable land; for some parcels of unprofitable receiveinge nothinge at all. Ffor this end he paid his under-surveyors by the lineary content of theire worke as aforesaid, though some suspect he rather did it to obscure his gaine, as well from those that employed him as those others whome himselfe employed, and withall, by removeinge the old surveyors from of theire old principles, and confoundinge them with new, to make them more amenable to his purposes. The quantitie of line which was measured by the chaine and needle beinge reduced into English miles was enough to have encompassed the world neere five tymes about.

There doe remaine of this worke, as large mapps as a sheet of royll paper will conteyne, of every parish distinctly, by as large a scale as such sheets of paper will containe, and other mapps of the same size for every barrony.

These are fairely bound up in large booke, according to their countyes, and the booke kept in a cabinett of the most exquisit joyner's worke, made for the purpose, of 60^l value. Mapps of each county and province, as alsoe of the whole island, wil be published in print, according to the severall ancient and moderne divisions of the same, which have often changed by reason of the often change of proprietyes, occasioned by the often rebellions and revolutions there.



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HISTORY OF THE SURVEY OF IRELAND.

CHAPTER I.



WILLIAM PETTY, Doctor in Physicke, whilst he was Professor of Anatomy in Oxford, and one of the readers of Gresham Colledge, was advised to goe into Ireland in the year 1652, when the war there was near ended, and many endeavours used to regulate, replant, and reduce that countrey to its former flourishing condition, as a place most wanting such contrivances as tended to the above-mentioned ends, and for which the said Dr had formerly gained some reputation in the world. Major-Generall Lambert, being at that time designed for the government of Ireland, and a favourer of ingeniouse and usefull arts, was pleased to entertaine the said Dr upon that exspedition; but his Lordshipp being diverted, and Lieut.-Generall F'leetwood ap-

pointed to goe in his stead, the said Dr, having fixed his thoughts upon that designe for Ireland, found acceptance with the Lord F'leetwood alsoe, in the quality of physician to the army, the said Lieut.-Generall's person, and family. The said Dr had not been landed two moneths, but, observing the vast and needless exspence of medicaments, and how the Apothecary-Generall of the army, with his three assistants, did not spend their time to the best advantage; did forthwith, to the content of

with Lieut.-
General Fleet-
wood as Phy-
sician to the
Army.

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all

all persons concerned, with the State's bare disbursement of about 120^l, save them five hundred pounds per annum of their former charge, and furnished the army, hospitalls, garrisons, head quarters, &c., with medicaments, without the

least noise or trouble, reducing that afair to a state of easiness
Success in his practice.

and plainness, which before was held a mistery, and the vexation
of such as laboured to administer it well. Moreover, the said Dr

in the practise of his owne faculty tooke such paines, in all that related to his said charge, that, in satisfaction of the four or five first yeares of his service, he offered to refund all he had received by way of salary, soe he might but receive the lowest usuall allowances in reward for the business he had actually performed in the way of his calling. There went alsoe into Ireland, at the same

Mr. Worsly
went over the
same time,

time, and on the same expedition, one Mr. Worsly, who, having been often frustrated as to his many severall great designes and undertakings in England, hoped to improve and repaire himselfe upon a less knowing and more credulouse people. To this purpose he exchanged some dangerouse opinions in religion for others more merchantable in Ireland, and carries also some magnifieing glasses, through which he shewed,
aux 'esprits mediocres, his skill in severall arts, soe as at length he got credit

who gott to be
Surveyor-Ge-
neral of Ireland.
Observations
on his way of
admeasuring.

to be employed in managing the Geometrical Survey of Ireland, which he did in such manner as that, 1st, there was paid for admeasurements twelve times *pro rata* more than ever was given before; and such rates as whereby a man, of a moneth's study, might earne neer 10^l a day with his owne hands. 2dly. The

manner of admeasurement was such as noe man could examine whether it were well or ill performed. 3dly. The said admeasurement, though bought at a dear rate and exactly administred, was, as to its end and use, but a meer vitiacion of the countries estimate, which might be had for nothing, and noe ways correspondent to either of the ways of survey which the then law required. 4thly. The manner of the admeasurers' payment was such, as by how much more paines they tooke, by soe much the less wages they had. 5thly. For the administration thereof, there was neither due tryall of artists or instruments, neither good instructions before hand, nor examination afterwards. Besides, the bonds taken for performance were but the pictures of obligations, which, though they are notoriously broken, he, the said Mr. Worsly, never knew how to sue. 6thly. The knacke of paying only for measuring of the profitable land, and yet caus-

ing

ing unprofitable to be admeasured (which the law, for unknowne reasons, required not), begat infinite jealousies and discontents in the army, soe that the only true art and excellency which this gentleman expressed in this whole business, was soe to frame committees of conceited, sciolous persons, intermixing some of credit and bulke amongst them, as whereby he might screene himselfe in case of miscarriage, and when things were ill-grounded at home, to put the finishing and upshot of them into the hands of others a great wayes off; ffor a short proof of all which, it is knowne, that all the geometrical surveys that ever passed through his hand have since been done over againe, by the conduct of others; and the charge of what he did, being many thousand pounds, became as meerly throwne away. The above-mentioned particulars are not alleadged here to disparage Mr. Worsly, of whom alone the Dr^r may hereafter write a discourse on purpose, and in another stile more suitable to such a matter; but really and *bona fide* what ever hath been hitherto said is but to shew

How Dr^r Petty
introduced
himself into the
surveying.

the reason and introduction of Dr^r Petties undertaking the like geometrical surveys; for the said Dr^r having often admonished the said M^r Worsly of the above miscarriages in a very friendly manner, and recommended unto him exact artists, he soe far scorned the one as meer whimsies, and preferred meer bulks and outsides, such as would most flatter and admire him, on the other side; that the said Dr^r did thereby, and, by the said M^r Worsely's contemptious smiles verily believes, that those seeming miscarriages were not reall, but designes and elaborate contrivances for secret reasons of state, rather then the pitifull effects of pride and ignorance.

CHAPTER II.

Dr Petty shews
the mistake in
the present
survey.

NOW, in process of time, Dr^r Petty, finding that way of survey, which the State was uppon, to be a mistake, he soe undeceived severall sober and judiciose persons in the business, that they, communicating their satisfaction concerning what Dr^r Petty offered as a remedy, did procure, from those then in authority, the following order, viz.:.

*By the Commissioners of the Commonwealth of England, for the Affaires
of Ireland.*

Ordered,

Order to consider how the survey may most expeditiously and cheaply be done.

That it be referred to S^r Hardress Waller, Collonell Hewson, Collonell Lawrence, Adjutant-Generall Allen, D^r Cartret, Lieut.-Collonell Arnopp, M^r Benjamin Worsely, M^r James Standish, Captain Salt, and Captain Shaw, or any three of them, together with M^r Roberts and D^r Petty, forthwith to consider how the business of surveys may be carried on with most exspedition, and least charge to the Commonwealth, and certifie what they thinke fit therein. Dublin, September 8th, 1654. Signed in the name and by the appointment of the said Commissioners,

THO. HERBERT, *Secretary.*

Whereupon was considered the charge, usefulness, and dispatch of the Survey then allready in hand, grounded upon and made in pursuance of the following report of a Committee of Survey, instituted by the generall councill of the army, held in April, 1654, and for bettering of another way of survey before that time propounded by M^r Worsly, which the said report doeth mention and correct.

The Report of the said Committee of Survey, viz.:

The 11th of May, 1654.

Report of the Committee of Survey, on which M^r Worsly's instructions were grounded.

By the Committee appointed by the generall council of officers, to have a view and consideration of such instructions as are to be sent out for the surveying of lands.

To the Right Honourable the Commissioners of the Commonwealth.

It is humbly shewed,

That the Committee, having conferred with the Surveyor-Generall, and viewed certaine instructions prepared by him to be issued to such persons as are to be employed in the surveying and admeasuring of land, and considering of how great import it is (as they humbly conceive), as well to the interest of the Commonwealth as to that of the army, that the souldiery should, with what exspedition is possible, be put into possession of their lands; and how much it would contribute to that end, and to the facilitating the subdivision among themselves, if the quantity of forfeited lands may in each place be ascertained, and

and that the survey alsoe may not be unnessessarily clogged with any such instructions as doe not immediately relate to the said forfeited land, they doe, for these reasons, humbly tender the ensueing proposalls:—First, that to every of those ten counties which are already divided betweene the adventurer and souldier, and now to be surveyed, two or more surveyors may be forthwith appointed for the surveying and admeasuring the forfeited lands in each county, which shall lye only in those barronies that are fallen by lot to the soldiery.
2dly. That for the better enquiry and finding out of the said forfeited land in each county, the said surveyors may have power to sit in such and soe many parts of the counties as they shall conceive requisite, there to call the inhabitants of the countrey, to summon juries, to keep courts of survey, and to administer oath to such persons as they shall find necessary, for the better and fuller information of themselves of the particulars of each man's estate which is forfeited.
3dly. That, for the better performance and exspedition of the said court of survey, such instructions may be issued to the Commissioners of Revenue uppon the place, or other able and knowing men in the countrey, as to your Honors shall be thought fit, for their asistants of the respective surveyors in the execution of that part of their commission. That for the better distinguishing and ascertaining of lands forfeited from lands not forfeited, or from what is at present excepted from being sett out to the souldry, ffor the better ascertaining and distinguishing likewise of all lands profitable from barren mountaines, or such lands as are unprofitable, which are to be cast in,—Its humbly propounded : Ffirst, that where any estate forfeited lyeth wholly surrounded or meared with lands not forfeited, or excepted, that there every such estate be surrounded or admeasured exactly with an instrument by it selfe, whether the said estate be little or great, or whether it doe consist of more or less number of acres.
2dly. That where any forfeited estate is meared partly by lands not forfeited, and partly by some mountaine, logh, bog, or the like unprofitable land, that there the said profitable land be surrounded and admeasured by the instrument, and the said unprofitable land excluded.
3dly. That where any large parcell of land forfeited shall lye together in any county, though containing the estate of severall persons who have forfeited the same, if within the said parcell there shall not be mixed any barren mountaine, or land unprofitable, nor any church land, or lands excepted, that in all such cases the said surveyors doe admeasure with his instrument exactly the outline or bounds of the said parcell, and accordingly

cordingly cast up the contents of the whole, distinguishing and setting down the severall estates of each person within the said parcell only, by a gross estimate. 4thly. That where any large parcell of lands forfeited shall lye together, in which shall be contained some smaller parcell of land not forfeited, or excepted, or of lands barren and unprofitable, that in all such cases the surveyor, besides his admeasurement of the outline of the said forfeited land, shall exactly admeasure by his instrument as well all such parcells of lands by themselves as are excepted and not forfeited, as all that are barren and unprofitable. 5thly. That in the surveying of the lands forfeited in any of the said counties, the surveyors be instructed not to spend time in the admeasurement of the meares or bounds of the severall baronies within the respective counties, but in the meares and bounds only of the lands forfeited, as they chance to run within the same. 6thly. That in surveying the said lands, where any doubt may arise concerning the quality of the land, whether the said land is to be judged profitable or unprofitable, forasmuch as the Act hath not prescribed or waranted any rule to be set in the said case, that therefore the surveyors be required to determine the same as oft as it shall be presented to them, according to their oaths and the best of their judgements and conscience ; and the said determination given by them to be conclusive, as well to the Commonwealth as to the soldiery. 7thly. That the said surveyor may have five and fourty shillings for every thousand acres surveyed according to these aforesaid instructions ; and that a sufficient number of clerks and of men to shew the bounds and the meares of the said forfeited lands be further allowed them. Its humbly propounded : 5thly. That noe bishoppes' lands, crown lands, or lands not forfeited, be at present surveyed, if the said lands lye not within any parcell of lands that are forfeited as aforesaid. 6thly. That the survey or enquiry of all lands in controversie, whether appertaining to the Commonwealth or not, as alsoe of whatsoever may belong to the Commonwealth out of such estates as are claimed by English proprietors, may be made by commissioners for that purpose authorized (if thought necessary), and not by the present surveyors. Lastly, according to these proposalls, if approved by your Honours, the Surveyor-Generall be ordered to issue out his instructions.

Signed in the name and by appointment of
the Committee,

A. MORGAN.

By

By the Commissioners of the Commonwealth of England, for the Affairs of Ireland.

Ordered,

A Committee
to consider how
the survey may
most expedi-
tionaly and
cheaply be
done.

That it be referred to Sir Hardress Waller, Collonell Hewson, Collonell Lawrence, Adjutant-Generall Allen, Dr Carterette, Lieutenant-Collonell Arnopp, Mr Benjamin Worsly, Mr James Stan-dish, Captain Salt, and Captain Shaw, or any three of them, together with Mr Roberts and Dr Petty, forthwith to consider how the busines of surveys may be carried on with most exspedition and least charge to the Commonwealth, and certifie what they thinke fit therein. Dublin, the 8 September, 1654.

Signed in the name and by appointment of
the said Commissioners,

THO. HERBERT, *Secretary.*

By which report appeared,—1st. That the new instructions brought in by Mr Worsly were clogged with unnecessary impositions, things done *pro virili*, and to make amends for his extravagancy in what went before. 2dly. That notwithstanding he had seen the vanity of his said former instructions given for the admeasurement of the lands set out A. D. 1653, and had brought in a set of more chergeticall contrivances, as himselfe called them, yet the Committee thinke fit to propound rules wholly different from what he had presented. 3dly. They ingeniously acknowledged that the Act had not prescribed or warranted any rule for the distinguishment of profitable from unprofitable. 4thly. The said Committee did not restraine the surveyor's payment to profitble land only; but, consequently, the invention of biassing and tempting the surveyors to wrong the army by unequall allowance of profitble and unprofittable had its rise elsewhere; the which is likewise confirmed by the same difference betweene the heads of the agreement made between the officers and Dr Petty, and the contract between him and Mr Worstly to the same purpose, as may appeare by the copies of both hereafter inserted, the same having been industriously avoided by Dr Petty, who, 1st, made this byas one of the objections against the survey preceeding him. 2dly, propounded, for the same reason, to undertake the whole for 30000*l*, or at six pounds per thousand, without distinction. 3dly, agreed with as many of his under surveyors as he could to work by the mile and in length, by the thousand acres of profitble or unprofittable,

fitable, all which will apeare by the said agreement hereafter incerted, and the next following report made in answer to the last mentioned order.

Report of the Committee on the said order of 8 September, 1654. In obedience to your Honours reference of the eighth instant, whereby wee are ordered to consider how the business of the surveys might be carried on with most exspedition and least charge to the Commonwealth, wee, having met severall times about the same, together with many other officers of the army, called in for their assistance and councill, did then peruse and consider as well what hath been formerly done in this affaire, as what is at present in doeing. And doe finde—

That altho the way of surrounding each parcell of forfeited lands, with deduction both of the unprofitable and unforfeited land, and of paying fourty-five shillings per thousand acres for the neat forfeited and profitable land only, doeth much excell the preceeding way of surrounding whole barronyes at forty shillings per thousand, both in respect of rate and usefullness of such admeasurement, yet there hath been exhibited unto us against the said present way of survey, severall defects and inconveniences: the heads whereof are briefly as followeth:

1st. The admeasurement by surround of great parcells is more uncertaine and nice than that of small, and the proof or examination of the one is much more difficult and chargeable then the other.

2dly. The not paying for the measuring of included unprofitable land will be such a byas to the surveyor's judgement, as may tempt him to returne the same for profitable.

3rdly. This survey contributes nothing to preserve the memory of the ancient bounds of barronies, parishes, &c., nor to order and regulate the intended plantations. Besides these there are some others which we think more materiall to be insisted uppon, namely,

4thly. That when great parcells, such only as the present surveyes are like to returne, shall be delivered out unto whole troopes or companyes, such wrongs or shortness as shall happen unto any particular members of them uppon the finall subdivision will be without any visible remedy or relief.

5thly. It will be hard for any particular person to pass a grant even for what he shall receive, without the true knowledge of the quantity, quality, and bounds of the same, which the present survey cannot afford.

6thly. That

6thly. That the grossness of this survey will cause the subdivision to be very tedious, litigious, and unsatisfactory; all which three last inconveniences wee humbly conceive may be summed up into this one, vitz.:

That notwithstanding the present survey at fourty-five shillings per thousand, all the forfeited lands disposed of as aforesaid, before they can be quietly and securely planted and enjoyed, must be admeasured over againe into such small parcells as will satisfie the ends and purposes aforementioned, the which, although it should be done privately by the owners at their owne proper cost, yet as it will be (as is alleagded) four times the charge unto them then as now it is unto the State, soe it will prove noe authentique record, neither unto themselves nor unto the State, in case of any future controversies.

Wee have likewise received certaine proposalls of Dr. Petty, wherein he undertakes,

1st. To admeasure all the forfeited lands within the three provinces, according to the naturall, artificiall, and civill bounds thereoff, and whereby the said land is distinguished into wood, bog, mountaine, arable, meadow, and pasture; moreover to add and sett out such auxiliary lines and lymits as may facilitate and ascertaine the intended finall subdivision without any readmeasurement.

2dly. To performe the same by the last of October, 1655, if the Lord give seasonable weather, and due provision bee made against tories, and that his instruments be not forced to stand still for want of bounders.

3dly. To give good security both of the time of performing the same and the exactness of the measure; both to be judged of by indifferent persons chosen on the behalfe of the State and undertaker: the which measure, being to be made into small parcells, wee judge to be very examinable.

4thly. In case the present way shall be thought useless and insufficient, he offers, as an exspedient to compound with the present surveyors, to give them, for soe much as they have allready done (provided it endure the examination whereunto himselfe shall be obliged), either the best rates he shall hereafter give unto others, or within a small matter of what he shall receive for the same himselfe.

5thly. He demands for performance of premisses either thirty thousand pounds for the whole, or else six pounds per thousand acres, to be paid by portions hereafter to be agreed on.

Now, touching all these severall propositions, wee have forborne to undertake any particular debate untill wee shall receive your honors' sence concerning the defects of the present way, and concerning fitt expeditors for supplying and amending the same, as alsoe concerning the manner of defraying the surcharge accreweing from Dr Petty's proposalls, in case they should, uppon declining the other as irreparable, be admitted to consideration. All which wee humbly submitt.

Signed in the name and by appointment
of the rest of the referrees,

September 24^o, 1654.

HAB. WALLER.

By which report it appeares that, from the eighth to the 24th of September, not only the referrees named, but alsoe such other officers as were fittest to give advice in this business, and indeed as many others as would come, either as curiose to see, or else to carpe, did consider of all former methods and projections for the management of the survey.

2dly. They report that the survey then in being propounded by the above mentioned committee, much excelled the former managed by Mr Worsely.

3dly. They are pleased ingenuously to acknowledge the perplexities and difficulties wherein that affaire was involved before the Doctor appeared in it.

4thly. What the substance of Dr Petty's proposalls were, that the said Dr, as was before limitted, desired to deale by the lump, or at least by the thousand acres, without distinction of quality; and that he did not introduce his proposition out of any designe to demnifie or prejudice those that went before him.

Now from the said 24th of September the said Mr Worsely secretly laboures with severall chief officers of the army, and particularly Sir Charles Coot, and such of the members of the councill as he had most interest with, to obstruct the further consideration of the Dr^r proposalls; writes animadversions upon them, though such as he would never openly produce, though openly called upon for them: the substance and end whereoff were,

1st. By sophistry making all admeasurement, and even his owne, impossible, to prove that propounded by Dr Petty impracticable

2dly. Shewing that measuring into small parcells was noe more certaine and examinable then that of wild vast surrounds, by shewing that admeasurements were subject to many kind of errors.

3rdly. He

Mr. Worsley
secretly la-
bours to op-
pose the Dr^r
proposals.

secretly laboures with severall chief officers of the army, and parti-
cularly Sir Charles Coot, and such of the members of the councill
as he had most interest with, to obstruct the further consideration

3dly. He confess himselfe gravedled as to his objecting against the performance of soe vast a worke in thirteene moneths, because he allways tooke it for a business of as many yeares.

4thly. He argues against the price, laughing att the Dr ffor offering to admeasure whole barronyes by their out lines for eight shillings per thousand, which the Dr says now is not worth eight groats, when as he made the State pay fourty shillings for the same the year before, and by saying his most experienced advisers affirmed it was worth twenty shillings at least; whereas indeed he durst advise with none that were able to tell him, least such should seeme better Surveyor-Generall then himselfe!

So that all his argument being grounded upon pedantique comparisons of the mistaken number, eight shillings and twenty, without understanding that twenty shillings for barrony lines hold noe proportion to three pound for particular estates, as he calls them, nor that distinctions into the lowest denominations, proprieties, and with subdivisions, to be better worth ten pounds then that into particular estates only is worth three pounds: his pretty inferences are worth no further notice.

Lastly, he further sayth, if it be the right of the State to survey the lands only into such surrounds as whereby they may bee at a certainty what they sett out between the Commonwealth and the souldiery, and that a survey into parcells of one hundred acres hath noe other argument then this to commend it, then, for as much as the said premises are true, the proposalls made by Dr [Petty] is insignificant.

To which the Doctor answered:

1st. Let the Act of the 26th of September, 1653, be consulted, where it will appeare that it prescribes a survey noe less exact then what is propounded.

2dly. Looke backe upon the report of the 24th September, 1654, to see what other arguments there are to recommend what the Surveyor-Generall knew not how to value. These animadversions were soe clandestinely made use of, the Doctor never seeing them till above three moneths after, that they produced the following order, and the addition of St Charles Coot and Commissary-Generall Reynolds to the committee, in whom, by the business of Carricke, &c., M^r Worsly thought he had wrought an extraordinary interest for this purpose.

By the Lord Deputy and Councill.

New order to
farther con-
sider the ma-
naging the
surveys, 10
October, 1654.

It is ordered, that Sir Charles Coot, Knight and Barronet, Sir Hardross Waller, Knight, Commissary-General Reynolds, Collonell Hewson, Collonell Lawrence, Lieutenant-Colonell Arnopp, and Captain Shaw, or any three or more of them, doe take into their further consideration the matter formerly recommended unto them, concerning the managing of the surveys of the forfeited lands in Ireland; and to propose some exspedients unto us how the same may be carried on with most dispatch and advantage to the Commonwealth. Dublin, the 10th October, 1654.

THO. HERBERT, *Clerke of the Councill.*

The which order, *maugre* all the sinister practices that were used, produced but the following report:

Report on the
said order, 16
October, 1654.

In obedience to your honors reference, dated the 10th instant, wee have taken into consideration the business concerning the management of the surveys, and, after a full debate thereupon, doe humbly offer, upon the reason mentioned in our first report, that the lands to be sett out for the payment of the armyes arreares and other publicke debts, be surveyed downe as is proposed by Dr Petty.

And as to the security of performance of conditions on his part, and alsoe as to the rates to be paid for the worke, wee doe humbly offer that it be referred to Sir Hardress Waller, Sir Charles Coot, Collonell Chidley Coot, Collonel Lawrence, Major Symner, and Captain Mullinex, or any three of them, to perfect and conclude the same with the Dr. Dated the 16th of October, 1654.

Signed in the name and by the appointment of
the rest of the referrees,

CHA. COOT.

Hee then soe wrought with the Lord Deputy and Councill, that they issued noe order in pursuance of the above report untill the whole business had been debated anew all over before themselves, the which, as severall times before being done, the following order was granted:

By

By the Lord Deputy and Councill.

Ordered,

Order to consider Dr Petty's proposal and the rates.
27 October,
1654.

That the proposals of Dr Petty, touching surveys, and the report allready made by the Committee of officers thereupon, be further referred to Sir H. Waller, Sir Charles Coot, Collonell Chidley Coot, Collonell Lawrence, Benjamin Worsely, Esq., Surveyor-Generall, Major Symner, and Captain Mullineux, or any three or more of them, who are forthwith to consider of the rate to be allowed for the worke, and to proceed to some conclusion, both as to the said rate, and the rules and instructions by which the said Dr is to undertake the performance thereof, as may be most for the advantage of the Commonwealth, and to certifie the same with all convenient speed. Dublyn, the 27th of October, 1654.

Tho. HERBERT, *Clerk of the Councill.*

Upon receipt whereof the Committee, the same day, sitting late at night, draw up the following heads of an agreement:

Proceedings of the Committee for Surveyes, the 27th of October, 1654.

Proceedings on the said order. This day, in pursuance of a reference from the Right Honourable the Lord Deputy and Councill, the said Committee tooke into consideration the business of Dr Petty's proposals of the forfeited lands in Ireland, and did proceed thereon as followeth:

Articles made, had, and concluded, betweene , in the Name and Behalfe of the Commonwealth, and Dr William Petty on the Behalfe of Himself.

Resolved,

A draft of articles between the Commonwealth and Dr Petty.

1st. That it is the opinion of this Committee that the Doctor be contracted with, for the surveying of all the forfeited lands within the three provinces of Leinster, Munster, and Ulster, allotted for the satisfaction of the souldiery.

2dly. That the said Dr shall exactly survey and distinguish in lands between all lands as is profitable and all lands which is unprofitable, to the end the said profitable forfeited land may be exactly knowne; which profitable land he

he is again to distinguish into arable, meadow, and pasture, according to the instructions of the Act, and the unprofitable into wood, bog, and mountaine, &c.

3dly. That the said Dr shall survey and admeasure with the instrument all such forfeited profitable lands into the smallest and lowest denominations that are, and according to the knowne bounds of each of them.

4thly. That where any the said surveys or distinctions shall exceed the number of acres due to any officer or soldier for their respective arrears, that the said survey shall be againe subdivided into soe many other small parcells as may exactly satisfie each man his respective arrears.

5thly. That, unless in the aforesaid case, for the setting out a just number of acres for answeiring the arrears of any particular officer or souldier, or for the admeasurement of some islands in any river, logh, or bog, the said Dr is not to be obliged to make any surround less then of forty acres. And provided that noe surround doe exceed forty acres, where any knowne bounds, naturall, civil, or artificiall, may conduce to the making of the same.

6thly. That mapps, plotts, and books of reference of all the said parcells and subdivisions surveyed and set out to any particular person, be returned into the Surveyor-Generall his office, for the use of the Commonwealth. The said plotts to be laid downe by a scale of fourty perches to an inch.

Lastly, that besides such mapps, plotts, and books of reference, returned into the State as aforesaid, the said Doctor shall be employed to deliver soe many other mapps, plotts, and books of reference belonging to them, as may give satisfaction to each officer and souldier, of the severall proportions of lands due to them, provided that noe mapp be given of any that are less then a thousand acres.

And soon after make the following report relating to the said agreement, with their opinion of the rate, advance money, and defalcation for the grosse surveys then in hand:

Report of the
Committee of
their proceed-
ings on Dr Pet-
ty's proposalls.
31st October,
1654.

In obedience to the reference of your Lordshipps and Councill, dated the 27th of October instant, having further considered of the proposalls of Dr Petty as to a down survey of the forfeited profitable lands assigned for the armyes satisfaction, wee have proceeded to a consideration of the rules for the practise of the worke on his part, uppon which wee have agreed and annexed a copie of the

the said agreement hereunto ; finding noe obstruction untill wee came to consider how the charge allready exspended in the present defective survey should be refunded, wherein there appearing much difficulty, wee offered the consideration thereof to some persons skillful in the art of surveying to give us their opinion of what use the same will be to the new undertaking, whose return thereupon was, that it would be nothing or very little usefull : soe that the whole charge allready exspended must be borne either by the State or purchaser. In consideration whereoff wee have further condescended in the armye's behalfe, that they shall bear the charge, by making up the rate on their parts one penny an acre, which makes up the three pounds per thousand formerly proposed to be $4^{\text{h}} 3^{\text{s}} 4^{\text{d}}$ from the State, makes up in all seaven pounds three shillings and four pence per thousand acres, at which rate the Dr
 $7^{\text{h}} 3^{\text{s}} 4^{\text{d}}$ per
 1000 acres hath agreed to measure all the profitable forfeited lands as aforesaid.

And to return in mapps, plotts, and books of reference according to the said annexed heads of agreement, for which consideration he doeth alsoe undertake to reimburse the State of all the disbursements allready made for measuring any of those lands he shall againe survey.

For drawing up the contracts and other matters, in order to a finishing of the agreement, wee humbly offer it may be referred to the Surveyor-General to perfect and finish the same on the State's behalfe.

And wee further humbly mind your honors that the State is to disburse the money to the Dr from time to time, till the souldier is in possession ; whereupon the souldier is then to pay his part aforesaid, or to have it deducted out of his pay, for reimbursing the same unto the State.

And to the end the Dr may be the better enabled to exspedite the worke, wee humbly offer that hee may have three thousand pounds advance, and soe, from time to time, to receive more, as he finisheth his worke by parts, the said advance to be still part of the pay for the worke performed. Dated the 31th of October, 1654.

Signed in the name and by appointment of
 the rest of the referrees,

HAR. WALLER.

CHAPTER

CHAPTER III.

WHEN the drawing up of the contract, as by the above report, and the finishing of the same as to other matters, was referred to the said M^r Worsley, he brings about againe (and that before the Councill M^r Worsley ob- jects to the price notwithstanding the above report) the consideration of the price, alleadging the same to be exorbitant, and above what was now allowed by the Act, or heretofore, for the admeasurement of Connaught and Tipperary, unto which was answered:

1st. That the allowance of fourty shillings per thousand for answered.

barony lines, the last year, which was dearer then thirty pounds per thousand for what was propounded, and other extravagant rates since that, had made the Surveyor set an unreasonable value upon their labour, more indeed then the same doeth intrinsecally deserve.

2dly. That, as to Connaught survey, it was done only according to the lowest denominations; this, not only soe, but with distinction of proprieties, subdivisions, and double books and plots. Moreover, there was then allowed a surcharge of a Director-Generall of the said works. Here all is comprehended in the rate per thousand. The admeasurers then and there paid little for their diet and lodging, bounders, marksmen, spademen, &c.; needed noe guards, wrought in a well-planted and accommodated countrey, and made great advantage by transcripts of their survey; none of all which advantages must be now exspected.

3dly. The countrey is now overgrownne with rushes, shrubwood, bogs, and other impediments; the worke must often stand for want of bounders, guards, tables for protraction, &c.

4thly. The extraordinary dispatch and security now proposed, may, in all reason, much advance the rate.

5thly. The adventurers give much higher rates, with whome tis easier dealing then with the State.

6thly. The States pay three pounds per thousand, and yet have all the benefit of

of the armye's extraordinary and voluntary contribution of above four pounds more.

7thly. There is to be a reimbursement out of this allowance of all the charge of the gross survey now in hand, which probably may amount to above three thousand pounds; whereas, tis uncertaine whether the whole will amount to seaven times as much, which reduces the allowance under six pounds.

To do the whole
for 2600^{ll}
gaines.

8thly. Nothing is allowed for vast scopes of unprofitable land, and but bare three pounds for Crowne, church, and corporation, and other lands reserved to the State. I offered afterwards to doe the whole for 2600^{ll} gaines.

The Dr^r to dis-
cover which
way he would
perform the
same.

When this difficulty was over, and the agreement seemingly made, it was then urged that the Dr^r should discover to the Coun- cill and army by what means he should hope to bring this under- taking to pass.

The which discovery was assented unto: provided that, uppon satisfaction given therein, the security of ten thousand pounds should be either dispensed with or lessened.

In order whereunto he offered: [1st] to produce such instruments for surveying as he had allready made in Dublyn, with the workemen he had instructed to make more.

Into how many parts he di-
vided the art of
surveying.

2dly. He divided the whole art of surveying into its several parts, viz.: Ffield worke; 2, protracting; 3, casting; 4, reducing; 5, ornaments of the mapps; 6, writing fair booke; 7, examination of all and every the premisses; withall setting forth, that for the speedier and surer performance he intended to employ particular persons uppon each specie, according to their respective fitness and qualifications.

3dly. That he had, by a more distinct, methodicall, and comprehensive field booke; by removing some entanglement in the card wherein the needle playes; by exterminating the use of triangles and intermixt multiplication in the casting up of the superficiall content, much facillitated the whole practice of surveying.

4thly. That by keeping a magazine of all necessary, and breeding more artists then he should need, he hoped to obviate the danger of negligence, unfaithfullness, &c., in those whom he should employ.

5thly. That upon the field worke, it being a matter of great drudgery (to
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wade through boggs and water, climb rocks, fare and lodge hard, &c.), he would instruct foot souldiers, to whom such hardships were familiar.

CHAPTER IV.

UPPON the candid and free manifestation of the premisses, there arose obstruction uppon obstruction, notwithstanding the contract seemed to be soe neer finished, even as my wiser friends had forewarned me; ffor, in the first place, there comes to the Lord Deputy and Councill the following remonstrance from some of the surveyors, favourites and admirers of M^r Worsley:

TO THE LORD DEPUTY AND COUNCILL.

The humble Remonstrance of severall of the Surveyors lately employed in the Service of the Commonwealth.

Remonstrance
of the Survey-
ors employ'd
by M^r Worsley. That D^r Petty, taking advantage by the surveyors' absence, whilst they were abroad in the countrey discharging their respective duties, according to the trust reposed in them, hath passed a contract with your Lordshipps for the survey of Ireland; in obedience whereunto, some of us, upon our repair to towne, tendred our assistance to the D^r, proffering to doe the same thing for far lesser rates then are allowed unto him; but he, minding nothing but to make himselfe extraordinary gaines by other mens laboures, will not hearken to any proposalls of ours, but upon very hard and unreasonable terms, which we can in noe wise accept off. Had the D^r (as wee exspect, and doubtless many more before us) had any more new, certaine, and expeditious way of survey then hitherto had been knowne or practised, there had been just grounds for our yeilding to the D^r's terms; but, instead thereof, we find him informing the private soldiers, whose labour he may hire at an easie rate, in the ordinary and common method, whereby it plainly appeares that the D^r, by his undertaking, hath not out done the surveyors; ffor, in his proposalls, there is nothing considerable but his time and price. As for the time, wee shall make it evidently appear, by undeniable arguments, that the whole

whole worke will be performed by the surveyors now employed by your Lordships within the time agreed uppon: and for the price wee are content to accept of less then the Dr hath proposed, not doubting but that wee, who have had exsperience already in the worke, shall be better able to performe the same then such who are raw and unexsperienced, though taught by the Dr; nor can it be objected to us, however disclaimed against by the Dr, that our proceedings hitherto have been unsatisfactory, ffor some of your Lordshipps may remember that, at our first setting forth, we pressed for an exact and particular admeasurment, though the Dr then was silent; and, accordingly, the Commissioners for Survey, then sitting at the Castle in Dublyn, had drawn up instructions, but the necessity of the affaires of the Commonwealth not dispensing with soe long a work, those other ways were found out and enjoyned.

Now soe it is, may it please your Lordshipps, that the Dr having not done anything in his proposalls more then any other man might have done, and what wee our selfs are ready and willing to doe at lesser rates, by the time allotted, and wee hope with better satisfaction then the Drs new taught soldiers, wee humbly desire that wee be not disposed to the insatiable deaire of a covetous monopoler, but that wee may be employed immedately from your Lordshipps, and the benefitt acrewing by our laboures may redound to the Commonwealth.

All which is humbly tendered to your Lordshippse consideration.

Signed in behalfe of the surveyors by

ROB. NEWCOMEN.

T. COCKAYNE.

ALEX. SMITH.

COR. SWILLIVAN.

The Dr answers
it off-hand at
Council board.

This paper being exhibited, the Dr was called into the Councill chamber, where it was read to him ; but he desired it might be again read in parts, which being done, he answered it from point to point, accordingly soe as it was clearly rejected ; even soe clearly as that there remaines noe other memorey of it, but what is here afforded itt.

This aussault of the under-surveyors being repulsed, the generall of this army himselfe, the Surveyor-Generall, M^r Worsley, was forced to engage ; he, therefore, goes to the severall members of the Councill apart, and had prepared

them with such new objections, and soe far exceeding the aforementioned animadversions, that the Dr^rs intelligence came to him from severall parts, acquainting him that very suddenly his supposed contract would be quite overthowne.

Not long after the Dr^r had notice to attend the Councill, which he did. When the Councill were just rising he was called in: Mr. Worsley being there (as allways ready), the Clerke himselfe was bidden to withdraw, the Councill having being insinuated that what was now to be objected was a great arcanum, and the untyeing of a very misterious knot: now *parturiunt montes*.

A grand objection raised by Mr. Worsley of employing foot soldiery. The objection was, that the meanes whereby the Dr^r intended to perform this worke was dishonourable and scandalouse, for that he intended to employ foot soldiers, as above mentioned, whom to trust the admeasurement in their owne and officers land would be scandalouse, &c.

To which was answered :

Answered. 1st. That the Dr^r looked uppon soldiery only as hardy men, and fitter then most others for the difficulties above mentioned ; that other men of the like qualification would serve as well ; and in fine that he cared not for using soldiers otherwise ; and for many such could be had together, without much staying for others.

2dly. That it were easie to discover whether these soldiers would returne false work on purpose, to the injury of the State.

3dly. These men, being designed only for field worke, could abuse the State only in the length of their chaine, which would alsoe discover itselfe.

4thly. That noe soldiery could tell where his owne, or any friend of his, lott should fall, nor whether he should at all measure the land that should be his owne or his friend's ; soe as all the soldiers, and indeed all the other surveyors, must with much art universally combine to gratifie any one person.

5ly. Why should the Dr^r be limittted to the hands he must use, since he is to give security for his performance.

Another objection about Irish Papists. Mr. Worsley alsoe intimated that the Dr^r intended to employ Irish Papists.

To which was answered :

1st. By denyall; and—

2dly. By acquainting the Councill that there was noe more danger to have the

the measurer a Papist then the mearesman, which for the most part must be such ; saying that the only scandall in this point was, to employ Irish Papists when English Protestants must be had.

Provost desires no scholars to be employed. About the same time came a request from the Provost of the Colledge of Dublyn, that the schollars thereoff should not be em-
ployed in this worke ; soe as by interdicting me souldiers, schol-
lars, and Irish, itt appeared plaine the designe was now to make
me miscarry in what they could not hinder me to undertake and be entrusted
withall.

But these objections about the souldiers, &c., were chiefly to usher in an exspedient or remedy for that disease whereoff Mr Worsley hoped to persuade the Councill that the business was sicke off. The which expedient he pro-

Mr Worlly proposes a judicatory of surveyors. ceeded to offer, although it was not perceived that the Councill thought it wanting ; and it was, that a judicatory of surveyors might be set up, to examine and allow of all men the Dr im-
ployed ; and that the protractor, to take of their dependance from him, might be paid by the State.

To which was answered :

Answers to all. 1st. That there was doubt even of the Surveyor-Generall's suffi-
ciency to examine the Doctor's instruments, because he had done the same very imperfectly hitherto.

2dly. That if the Surveyor-Generall excepted against souldiers having to doe in the survey, Major Symner, Mr. Webb, and Mr. Francis (though very able), being of the army, were not fitt for this judicature.

3dly. That if he propounded the authors of the late remonstrance, it was desired that the Dr might first have the examining of them before the Councill.

4thly. The said examinators, delaying due approbation, might make the Dr forfeit his security, by comming short in his time of performance.

5thly. Why should the Doctor undertake to pay those whom he might thinke can deserve nothing, or venture his reputation and security upon such.

Herewith the Councill being abundantly satisfyed, and the Dr encouraged in beholding the deliverance which the Lord gave him time from time out of the snares and nets of adversarys,

The contract went forward, and the following order yssued in order thereto.

By

By the Lord Deputy and Councill.

Ordered,

Orders to the
Attorney-Ge-
nerall to finiah
the article in a
legall form, &c.
24 November,
1654.

That it be referred to the Attorney-General, the Commissioners-General of the Revenue, and the Surveyor-General of lands, to consider of the articles prepared betwixt the Commonwealth and Dr Petty for the survey of forfeited and other lands belonging to the Commonwealth, or to be surveyed in Ireland, and of the former reports, papers, and proceedings in order thereto ; and of what is further fitt to be added to those articles, for the speedy and effectual carrying on of this service of soe publique concernement ; and alsoe of the necessity of two thousand pounds advance, the Doctor giving 4000^{ll} security to performe and returne the survey of those lands, proportionable to the sum received ; as alsoe of the furnishing him from time to time with one thousand pounds, or some other meet sum answerable to the proportion of worke he brings in ; and to take care that the articles be penned in a due legall forme ; and to consider of the security tendred by the Dr for his due performance of articles ; and to make report of the whole business with all possible speed. Dublyn, the 24th of November, 1654.

THO. HERBERT,
Clerk of the Councill.

The moneth of November was spent much in making the Attorney-General Basill, Mr. Justice Cooke, the three Commissioners-General of the Revenue, &c., meet in contriving the manner of advanceing money and defalkeing the same, as also about the manner of reimbursing the charge of the grosse admeasure-ment then in hand, and in giving notice to the surveyors then at worke uppon itt, by lettres of the 17th instant, of the above transactions, in order to their de-sisting ; about the security, amending mistakes, providing meeresmen, and the time of the Drⁿ discharge, and after which noe complaint was to be admitted.

All which being contrived by the above referrees, and the articles in pur-suance of the above recited order in due forme of law. The articles soe prepared were, as a report and answer to the said order, on the eleventh of December, brought into the Councill chamber, very many of the chief officers of the army, whose names are hereafter mentioned, being present, and after a solemne seek-ing of God, performed by Colonell Thomlinson, for a blessing uppon the con-clusion

clusion of soe great a business, were, with some little alterations about the money, and some discourse about the army leav[y]ing their part, finally assented unto, and ordered to be engrossed and perfected in the words following:

Articles of Agreement made, concluded, and agreed uppon, the eleventh Day of December, 1654, by and betweene Benjamin Worseley, Esq., Surveyor-Generall by the Appointment of the Right Honourable the Lord Deputy and Councill of Ireland, on the Behalfe of the Commonwealth, of the one Part, and Dr William Petty on the other Part.

Witnesseth,

*Articles with
Dr Petty for the
measuring Ire-
land, 11 Dec^r,
1654.*

That he, the said William Petty, doeth hereby, for himselfe, his heires, executors, and administrators, covenant, grant, and agree to and with the said Benjamin Worseley, his executors, administrators, and assigns, and to and with every of them, for and on the behalfe of the Commonwealth. That he, the said William Petty, or his assignes, shall and will well and sufficiently survey and admeasure, or cause to be surveyed and admeasured, all the forfeited lands, both profitable and unprofitable, within the baronies of the ten halfe counties appointed by lot for satisfaction of the arreares of the officers and souldiers in Ireland, mentioned in the late Act ffor satisfaction of the adventurers and souldiers, of the 26th of September, 1653;

And alsoe within any the countyes of Wexford, Wicklow, Kilkenny, Kerrey, Longford, Corke, Kildare, Tyrone, London Derrey, and Donnegall, which shall be sett out as additionall satisfaction for the arreares of the said souldiers;

As alsoe all forfeited not yet disposed of or sett out, within the countys of Dublin, Catherlogh, and the remaining part of Corke, together with all crowne lands, and all lands heretofore belonging to any archbischopp, bishopp, deane, deane and chapter, or any other officer belonging to that hierarchy, in the right of his or their office, which are lyeing in any of the aforesaid countys: and that the said survey and admeasurement shall be by him, the said William Petty, and his assignes, done and performed in manner and forme following, viz.:—First, that the said William Petty is to survey, or cause to be surveyed and admeasured with the instrument, all the said forfeited profitable lands, all other the profitable lands mentioned in the aforesaid article, into the smallest and lowest denominations that are, vitz., into townlands, plowlands, cartrons, or any other usuall denomination of lands, proper to the respective countyes where the said lands

doe

doe lye, and according to the knowne bounds of each of them respectively, soe as the same may be certainly and distinctly knowne from other lands thereby, their qualitie, quantities, names, scituations, parish, or place where the same doe lye, with their meares and bounds; the woods, boggs, and barren moun-
tains belonging to the respective premisses being mentioned in such survey re-
spectively.

2dly. That where any of the said parcells of forfeited lands surveyed or sur-
rounded with the instrument by him, the said D^r Petty, shall exceed the number
of acres due to any one officer or souldier for their respective arrears, that in
all such cases the said William Petty doeth promise and undertake againe to
subdivide or cause to be subdivided the said parcells, and actually to sett out
the same into soe many other smaller parcells as shall be requisite particularly
to satisfie each man his respective arrears without any readmeasurement.

3dly. The said William Petty doeth promise and undertake that noe one
surround of any parcell of profitable forfeited land shall exceed fourty acres,
where any knowne bounds, naturall, civil, or artificiall, may conduce to the
making the said surround; provided that, unless in the aforesaid case for the
setting out of a just number of acres, in order to the answering and putting into
possession each particular officer and souldier into their respective proportions
of lands, according to the arrears due to them, or for the admeasurement of
some island in any river, logh, or bogg, itt is hereby expressly intended that
the said William Petty be not required to make any one surround of less then
fourty acres.

4thly. As touching the admeasurement of unprofitable lands: if the said
unprofitable land shall lye mixed with or adjoyning unto lands profitable, in
parcells less then five hundred acres, the said William Petty is to survey or
cause to be surveyed distinctly by itselфе every such part of unprofitable land
with the instrument, provided none of the said parcells containe less then fourty
acres; but in case the said unprofitable land shall lye in parcells more then five
hundred acres all intirely unprofitable, the said William Petty, surveying or
causeing the said unprofitable land to be surveyed and surrounded with the in-
strument, according to its utmost bounds or limitts, as the same shall be bounded
either by the baronies where the said unprofitable land shall respectively lye,
or by some other parcells of land profitable, is not hereby obliged or tyed to ad-
measure the said unprofitable land into any other smaller or lesser parcells.

5thly. In

5thly. In the surveying of all unprofitable lands the said William Petty doeth further promise and undertake, to and with the said Benjamin Worseley, faithfully to describe the nature and bounds of the same, especially where the same boundeth upon the profitable land, and to sett down good grounds for returning and adjudgeing the same for unprofitable.

6thly. The said William Petty doeth further promise and undertake, to and with the said Benjamin Worseley, that where any parcells of land forfeited, formerly belonging to any one person, shall extend ittselfe into severall baronyes, and be scituate part in one barony and part in some other baronyes, there carefully to distinguish and admeasure with the instrument soe much of the said parcells as shall lye in every respective barony, and to returne the same, soe distinguished and admeasured accordingly, in the mapps of each proper barony.

7thly. The said William Petty doeth further promise and undertake, to and with the said Benjamin Worsley, carefully to survey and admeasure by the instrument the outmeares or bounds of all and every the baronyes within the countys mentioned in the above said ffirst article, and the same, soe surveyed, distinctly to protract and lay downe to the end the said civil bounds and meares of each barryony may be better knowne and preserved, and that perfect and exact mapps may be had for publique use of each of the baronyes and countyes aforessaid; provided, that neither the said baronyes or halfe baronies divide themselves into severall countyes.

8thly. The said William Petty doeth promise and undertake, to and with the said Benjamin Worsely, to deliver unto the said Surveyor-Generall his office, for the use of the Commonwealth, particular platts, with books of reference belonging to the said platts respectively, fairly engrossed, of all the forfeited lands, both profitable and unprofitable, that shall be admeasured by him in manner and forme aforessaid, in any of the aforessaid baronyes and countyes mentioned in the first article, noting and mentioning all such subdivisions of land as shall be made to each particular person.

And likewise to deliver the platts and books of reference of all Crowne lands, and of all lands belonging to any archbischopp, bishopp, deane, deane and chapter, or other officer of that hierarchy, in right of his and or their office, which shall lye in any of the respective baronyes or countyes aforessaid, each of them distinctly by themselves; that is to say, the forfeited land in each bar-

rony by themselves; the Crowne lands by themselves; and the lands belonging to any archbischopp, bishop, deane, deane and chapter, as aforesaid, by themselves; in the drawing or making of any of which platts or books, the said William Petty is to follow such instructions as shall be sent unto him by the said Lord Deputy and Councill, or, by their order, from the Surveyor-Generall.

9thly. The said William Petty doeth further promise and undertake, to and with the said Benjamin Worseley, besides such mapps, platts, and books of reference belonging to them, as shall manifestly demonstrate to each officer and souldier their severall proportions of land due to them, provided that noe mapp be required of any proportions less then one thousand acres.

10thly. The said Dr William Petty doeth for himselfe promise and undertake, to and with the said Benjamin Worseley, fully to perform and perfectly to finish and compleat all the said surveys and admeasurement, vizt., the surveys and admeasurement of all and every the forfeited land, profitable and unprofitable; as alsoe of all lands belonging to the Crowne, or to any archbischopp, bishopp, deane, deane and chapter, or other officer of that hierarchy, as aforesaid, lyeing or being in any of the said barrynes within the said ten countys mentioned in the first article, according to the manner and forme as aforesaid; and to returne the mapps, platts, and books of reference of each of them respectively, as aforesaid, within one year and one moneth next after the date of these present articles.

11thly. And whereas a contract hath been made with several persons, on the behalfe of the Commonwealth, for admeasuring and surveying part of the aforesaid lands mentioned in the first article hereof, for which survey and admeasurement, with platts, mapps, and books of reference belonging respectively to them, they were to receive fourty-five shillings for every thousand acres that shall be soe surveyed and perfected by them; and whereas the said persons have, in pursuance of the said contract, alreadly admeasured severall of the said barrynes; the said William Petty doth for himselfe promise and undertake, to and with the said Benjamin Worseley, to reimburse and pay backe all such summ or summs of money as hath at any time since the said contract been advanced, issued, or paid to any of the said persons, by order of the said Lord Deputy and Councill, or of the late Commissioners of the Commonwealth; as alsoe further to take care to satisfie, discharge, and pay all such other summ or summs of money as the said persons, or any of them, shall or may justly or lawfully demand

mand to be satisfyed and paid to them from the Commonwealth, in reference to the service performed by them, according to the said contract made with them.

12thly. Ffor the true and full performance of all and every of the articles before mentioned and specifyed, the said William Petty doeth covenant, promise, and engage, to and with the said Benjamin Worseley, to give in sufficient security unto the Commonwealth, by bond or otherwise, to the value of four thousand pounds.

13thly. Item, the said Benjamin Worseley doeth for himselfe, his heirs, executors, and administrators, and for every of them, covenant, grant, agree, promise, and undertake, for and on the behalfe of the Commonwealth, to and with the said William Petty, his executors, administrators, and assignes, and to and with every of them, to pay, or cause to be paid unto the said William Petty, seven pounds, three shillings, and four pence, currant money of England, for every thousand acres of forfeited profitable land that shall be admeasured and actually sett out to the souldiery by him, according to the tenor of the agreement afforesaid, in any of the afforesaid barronyes and countyes mentioned in the first article.

14thly. The said Benjamin Worseley doeth, for and on the behalfe of the Commonwealth, further promise and undertake, to and with the said William Petty, to pay, or cause to be paid unto the said William Petty, three pounds sterlign of currant money of England, for every thousand acres of forfeited lands admeasured, and not yet disposed off or sett out, within the countys of Dublyn, Catherlogh, and the remaining part of Corke; as alsoe for every thousand acres of Crowne lands, or of lands heretofore belonging to any archbishopp, bishopp, deane, deane and chapter, or other officer belonging to that hierarchy, in right of his or their office ; as alsoe for every thousand acres of parcells of unprofitable land, the said parcells not exceeding five hundred acres in any one parcell, and admeasured according to the instructions concerning unprofitable lands mentioned in the fourth article, or for soe much proportionably of any of the said lands as shall be admeasured by him according to the tenor of the agreement afforesaid.

15thly. And for the better and more effectuall carreying on the said contract and undertaking, itt is covenant and agreed, and the said Benjamin Worseley doeth, for and on the behalfe of the Commonwealth, promise and undertake, to and with the said William Petty, to pay unto him or his assignes,

at or before the ensealing hereoff, two thousand pounds sterlinc, the same to be defalked againe out of payment as shall grow due to the said William Petty for the said survey and admeasurment hereby undertaken for.

16thly. And the said Benjamin Worseley doeth further covenant and agree to and with the said William Petty, that when the said William Petty shall deliver in, or cause to be delivered into the Surveyor-General's office, a true and clear survey of such forfeited lands and other lands, hereby appointed to be surveyed; ffor which worke of survey one of the two thousand pounds advanced, either after the rate of forty shillings for every thousand acres surrounded, and five pounds ten shillings for every thousand acres downe admeasured; and for land actually sett out according to the respective rates before expressed, is become due to the said William Petty; and of which returne and money due for such survey, according to the rate aforesaid, he the said William Petty shall produce certificate from the said Surveyor-General, which the said Surveyor-General is, according to such surveyes returned, to make and give; that then the said William Petty shall further receive the summ of one thousand pounds more, sterlinc, by way of advance uppon accompt, to be by him the said William Petty discounted when surveys are returned, the rates whereof are correspondent by this contract to such summ advanced; and shall, upon equalling his accompt by returnes made from time to time, receive the summ of one thousand pounds sterlinc more, which he is to discount in course by due returns and certificates, as is before expressed, untill the whole survey by him, the said William Petty, undertaken, be compleat and finisht.

17thly. It is covenanted and agreed, and the said Benjamin Worseley doeth, for and on the behalfe of the Commonwealth, further promise and undertake, to and with the said William Petty, to pay, or cause to be paid, at the returne or delivery in of perfect mapps of all the said barronyes and countyes mentioned in the first article, one thousand pounds, for and in consideration of his carefull surveying and admeasuring with the instrument all the meets and bounds of the said barronyes, as the same shall be showne and discovered to him.

And whereas a provision is before made and provided that the said William Petty should reimburse and pay backe to the State all such summ or summs of money as hath at any time been paid to such surveyors as have been contracted withall, for admeasuring or surveying any part of the aforesaid lands mentioned

in

in the said first article hereof, by order of the Lord Deputy and Councill, or the late Commissioners of the Commonwealth; as alsoe to satisfie, discharge, and pay all such other summ or summs of money as the said persons, or any of them, shall or justly may demand to be satisfyed and paid to them from the Commonwealth, in reference to service performed by them according to the said contract for that purpose made; it is hereby agreed, and the true intent and meaning hereoff is, that the Commonwealth discharging and paying such summs of money due to such surveyors for the worke by them performed, as is before directed, that the same, together with what hath allready been paid, shall be discounted out of the monyes due to the said William Petty, uppon service to be by him done as is before particularly expressed; the same to be discounted by ten even and equall portions, the same to begin after three moneths end, commenceing from the date of the ensealing hereoff.

18thly. The said Benjamin Worseley doeth further covenant and agree, to and with the said William Petty, that effectuall order shall from time to time be given from the Lord Deputy and Councill, for impressing persons to shew the bounds and meares of all and singular the parcels of land by these presents directed to be admeasured, as alsoe guards for securing the respective persons to be employed in this business, he giving reasonable allowance to each of them for their paines during their attendance on that service.

19thly. Itt is agreed by and between all partyes to these presents that whatsoever complaint shall be made against the said survey, shall be exhibited within twelve months after the subdivision aforementioned is made, and possession given, and not afterwards; and that three moneths time from the exhibition of the said exceptions be allowed unto the said William Petty, for the correcting and amending the same, before any proceedings be commenced against him for the breach of articles touching that particular.

In witness whereof, &c.,

Wee doe hereby ratifie, confirme, and aprove the within articles, bearing date the eleventh day of December, 1654. Dated at Dublyn, this 25th of December, 1654.

CHA. FLEETWOOD.

MILES CORBET.

Ro. GOODWIN.

MA. THOMLINSON.

Immediately

Immediately after the officers then and there present withdraw, and, putting themselves into a Councill of Warr, make the following Act:

At a Council of Warre held at Corkhouse, the 11th of December, 1654:

Being present

SIR HAR. WALLER.	SIR CHA. COOT.
COMMISSARY-GENERAL REYNOLDS.	COLLONELL HEWSON.
COLLONELL LAWRENCE.	SCOUT M ^R GENERAL JONES.
COLLONELL BARROW.	COLLONELL SAUNDERS.
QUARTER-MASTER-GENERAL VERNON.	LIEUT.-COLLONELL BRAYFIELD.
LIEUT.-COLLONELL STEPHENS.	LIEUT.-COLLONELL ARNOOPP.
MAJOR SMITH.	MAJOR DUCKENFIELD,
MAJOR JONES.	CAPTAIN SHAW.

CAPTAIN ALAND.

Order of the
Council of Warr
to advance the
Dr a penny out
of every 3 acres,
to carry on the
worke. 11 Dec^b,
1654.

Whereas it hath been proposed by a Committee of officers that one penny for each acre of profitable land, which shall be actually received by the army, in satisfaction of their respective arrears, shall be paid unto Dr Petty for the measuring the said lands, it is therefore humbly offered, as the advice of the Council of Warre,

that one penny for every three acres due to the army, according to their respective debentures, and the rate appointed by the Act of Parliament in the respective provinces wherein their lot is fallen, be deducted, and forthwith advanced unto the said Dr Petty, out of the next moneth's pay due to the army; provided that the regiments fallen within the lot of Ullster advance noe more then according to the estimate of the forfeited lands in that province.

And itt is likewise humbly offered, that to compleat the payment of one penny per acre to the said Dr, a proportionable deduction of the next ensuing moneth's pay be made after the survey is delivered by the said Dr, according to the agreement made with him, and possession given to the army.

Signed in the name and by the appointment of
the said Councill,

HAR. WALLER.

CHAPTER

CHAPTER V.

ON the 16th of December, M^r Worsely sends the following letter to the surveyors employed on the grosse surrounds:

Gentlemen,

By mine of the 17th of November last, I gave you an accompt
M^r Worsley's letter to his surveyors 16th Dec^b, 1654.
 that the Lord Deputy and Councill, with a councill of officers,
 were of opinion, that the present surveys would not be sufficient
 to put every man into his particular proportion and quantity of
 land without another admeasurement; and that a tender was then made to
 the Lord Deputy and Councill, not only for the carreyng on the generall sur-
 vey of every barryony distinctly, both of the profitable and unprofitable land,
 but alsoe for the dividing and setting out to each man his particular proportion
 or share; for which cause my Lord Deputy and Councill, approving of the same,
 commanded me to signifie to you their pleasure not to enter upon any new
 surrounds, nor making any further progress in the survey, untill further orders
 from them. Since which time there being articles of agreement passed and con-
 cluded by and between the Lord Deputy and Councill, on the behalfe of the
 Commonwealth, and D^r Petty as undertaker for the whole survey, as is above
 mentioned, I thought good to acquaint you therewith, to the intent as well that
 you might, if you thinke fitt, speedily repaire hither, and bring with you what
 you have allready done, that soe a consideration may be had of the worke, and
 due satisfaction made according to your contract.

I am your very loving friend and Servant,

B. WORSLEY.

Dublin, the 16th December, 1654.

On the 17th of December, the articles were sealed and delivered, and bond
 given for the performance of them, vizt.:

Know all men by these, that wee, William Petty, of the city of Dublyn,
 D^r in Physicke; Sir Hardress Waller, Knight; and John Clerke, doe acknow-
 ledge and confess our selfs to be owing and stand indebted unto his Highness
 Oliver, Lord Protector of the Commonwealth of England, Scotland, and Ire-
 land,

land, in the full summ of four thousand pounds of lawfull English money, to be paid to his said Highness, his successor or assignes, to the payment whereof, well and truely to be made and done, wee doe hereby bind our selfs, our heirs, executors, and administrators, jointly and severally, firmly by those presents. Sealed with our seales, and dated this eleventh day of December, 1654.

D^r Petty's bond of 4000^l for performance of articles. The condition of the above obligation is such, that if the above bounden William Petty shall and will well and truely observe, fulfill, performe, and keep all and every the articles, conditions, clauses, and agreements mentioned in one pair of indented articles, bearing date with these presents, and made betweene the said William Petty on the one part, and Benjamin Worseley, Esq., Surveyor-General for land on the behalfe of the Commonwealth, of the other part, which, on the part of the said William Petty, are to be well and truly observed, fulfilled, performed, and kept, according to the true intent and meaning of the said articles.

Then this obligation to be void, otherwise, to stand in full force and vertue.

Sealed and delivered in the presence of

ED. ROBERTS.

WILLIAM PETTY.

H. MARKAM.

HAR. WALLER.

SAM. GOODWIN.

JO. CLERKE.

And on the 25th instant of December were ratifyed by the Lord Deputy and Councill, as is above expressed.

Several war- rants issued. In order to the worke thus undertaken, there yssues out the warrants following, vitz.:

Ffor men to shew the meares.

Ffor abstracts or lists of the lands to be surveyed.

Ffor access to such records, surveys, &c., as might be of use.

And alsoe to appoint a Committee of officers to consider how the said worke might bee began, and proceeded uppon as to the finall subdivision.

D^r Petty clears Sir H. Waller of some asper- sions. Itt will not be improper in this place, where it appeares Sir Hardress Waller was one of the sureties for the D^r performance, to undeceive the world of some false apprehensions in this matter, and to clear that noble person from an ugly imputation cast uppon him, which was, that he went halves with the said Doctor for helping to drive on

on the contract betweene the State and the Dr^t, to which end I shall here insert the very agreement made betweene the Doctor and the said Sir Hardress, vizt.:

Articles of Agreement made, concluded, and agreed upon, this 18th Day of December, 1654, by and betweene Sir Hardress Waller, Knight, on the one Party, and William Petty, Dr^t of Physicke, on the other Part,

Wittnesseth,

Articles between
S. H. Waller and
Dr^t Petty, for a
6th part of the
whole, &c., 18
Dec^r, 1654.

Whereas there is one pair of indentures, bearing date the eleventh instant, between Benjamin Worseley, Esq., Surveyor-General of the lands in Ireland, by the appointment of the Lord Deputy and Councill, on the behalfe of the Commonwealth, on the one part; and the above-named William Petty on the other part, for and about the surveying and admeasuring of the severall lands therein named, at the severall rates and according to the severall other conditions therein alsoe expressed, as by the said articles whereunto these presents doe relate may more at large appeare.

Imprimis, itt [is] agreed that the said Sir Hardress Waller shall stand bound with the said William Petty, and John Clerke, apothecary, in a bond of four thousand pounds, for performance of the said articles betweene the said Benjamin Worseley and the said William Petty.

Item, that the said Sir Hardress Waller shall employ his son, Walter Waller, Esq., at his own cost and charges, upon the performance of the said articles within the province of Munster, in such manner as shall be thought best for the speedy dispatch of the same.

Item, that the said Sir Hardress Waller shall doe his utmost endeavour to procure such monyes and orders from time to time, and at all times, for the said William Petty, as he, the said William Petty, is by the said articles to have and receive from the Commonwealth or others, and alsoe to procure the speedy and effectuall execution of the said orders; and moreover shall, by all other lawfull wayes and meanes, assist the said William Petty to performe and discharge the said articles.

Item, the said Sir Hardress Waller shall discharge and pay one-sixth part of all charges incident unto the performance of the premisses.

In consideration whereof the said William Petty doeth promise and agree to pay unto the said Sir Hardress Waller one-sixt part of all the profits that

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shall

shall be made by and upon the said articles by vertue of them, and shall at all times yeild and shew his books of accompts unto the said Sir Hardress Waller, for his satisfaction therein.

In witness whereof, &c.,

HAR. WALLER,
WILLIAM PETTY.

Observations
hereon, shew-
ing Sir H.
Waller never
had one far-
thing.

By which may be observed the time of making those articles, vizt. the sixth of December, when the contract was fully perfected.

2^{dy}. That his son, M^r Wallter Waller, was to carry on the worke in the whole province of Munster (which, as was before guessed) proved neer half the whole. Now, what were the parts and abilities of that admirable young gentleman is soe well knowne, that there is noe man but will thinke his paines and interest, as to soe great a proportion of the whole undertaking, might well deserve as much as by this contract was to be allowed; but, besides that, the most troublesome business of procuring orders from superiours, which were some hundreds, and that of collecting the monyes, which proved to be a very slavery, was part of Sir Hardress his undertaking. All which, with bearing one-sixth part of all disbursements, might be a sufficient ballance and consideration for what Sir Hardress was to receive.

I doe not mention his being bound with the Doctor, forasmuch as that was done rather as an owning and a proffessing of his being partner with him then as a thing which needed to have been done; ffor had Sir Hardress thought fitt to follow the Doctors advice, hee never had done it at all.

Moreover, itt is declared to all the world, that for as much as his son, M^r Wallter Waller, never acted, but went into England upon his owne affaires, and that Sir Hardresse himselfe did not run through the clamour of collecting the money from the army, nor of procuring orders, &c., neither did he disburse any money, as was in the contract supposed, he never demanded [a] penny of the Doctor, nor any such inspection into his accompts as in the contract is mentioned; nor hath he appeared in the Doctors troubles to avoid suspicion of partiallity, but hath been content to withdraw himselfe from all committees relating to the Doctors performance, that he might not give any occasion of mens thinking he would patronise him in any thing not justifieable.

By

By the Lord Deputy and Councill.

Orders for mea-
men, spademen,
quarters-rates,
to be paid, &c.
12 April, 1655

Whereas Dr William Petty hath contracted and undertaken to survey and admeasure all such forfeited lands in Ireland as are to be sett out for satisfaction of the arreares of the army, together with such other lands as did formerly belong to the Crown, archbischopp, bishopp, deanes, deanes and chapters, and other persons belonging to that hierarchy, it is, for the better and more effectuall carreing on of that worke: Ordered,

That the said Dr Petty, or such as he shall under his hand and seale appoint thereunto, bee and are hereby authorized to cause, from time to time, such and soe many persons to asist him or them, as shall be fitt and able to shew the meares and bounds of all such lands as are to be surveyed as above said, as alsoe such other persons as he or they shall thinke fit to stand as marks to lead the chaine, or carry a spade for making of marks necessary for the said worke. It is further ordered that the said surveyors may quarter at any place next their respective worke, and be accommodated with carriages and horses for removing themselves, instruments, utensills, and other necessaryes; they paying for the said accomodation, and for the wages of the severall persons by them employed by vertue hereof, such reasonable rates as shall be thought fitt by the Commander in Chief of the precinct where the said lands doe lye, or by one or more of the justices of the peace of the said county, or by the sherriff or undersherriff, or by any commissioner or commissioners of assessment of the said county, not exceeding twelve pence *per diem* to every bounder, and eight pence *per diem* to every markaman and chainman, or spademan; and all officers or ministers of justice, and all officers and souldiers of the army, and all other persons, are to be aiding and asisting unto the said Dr Petty, or his assignes, in the carrieing on of the said worke. Dublin, the 12th of Aprill, 1655.

Tho. HERBERT, *Clerke of the Councill.*

By the Surveyor-Generall:

Instructions to be observed by Dr William Petty in the making and drawing up the Bookes of Reference, which are to be returned into the said Surveyor-Generall his Office.

Instructions for
Dr Petty making
up the books
to be returned
to the Surveyor-
Generall's office,
12 April, 1655.

1st. Ffor the more clear and distinct knowledge of the quantity of forfeited profitable lands, and other lands belonging to the Commonwealth in each barony, you are to draw up soe many bookees of reference as may answer the number of baronyes you admeasure; each booke containing an entire barony by it selfe.

2dly. The said bookees you are to bind up or cover with parchment; on the outside of which is to be written, in fair letters, the name of the barony, and underneath that is to be sett downe the names of the severall parishes in the said barony at length.

3dly. Within the booke you are briefly to describe the barony by its meets and bounds, by the soile, and by the nature of the soile in general; by the rivers rising out of it, running through it, or meeting in it; by the severall citties, towns, passes, or other things of eminency or note relateing or belonging to it.

5thly. In describing or setting downe each proprietor's land, you are to divide the leafe into severall columnes; and, beginning on the left hand, you are in the first columne to sett downe the number referred to for that parcell of lands in the plott; in the next columne, the proprietors names, whether English or Irish Papist; in the third columne, the name of the towneland, plowland, cartron, or any other denomination of land, and whether it be an entire townland, plowland, cartron, or only a part of the said denomination, as the $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$, &c., of a cartron, plowland, &c.; in the fourth columne is to be sett downe the number of acres contained in the said denomination or parcell of land, according to an exact admeasurement, at 21 foot to the pole, and one hundred and sixty poles to the acre. In the last columne the said number of acres are to be distinguished by a line, into profitable and unprofitable, and the profitable againe into meadow, arable, pasture; and whether it be common pasture, heathy pasture, rocky pastures, mountaine pasture, or boggy pasture, which are to be signified as in the ensuing forme:

Memorandum. That in setting downe the name of any proprietor, whether
Irish

Irish Papist or others, particular enquiry be made where the said proprietors mansion-house was, or what townes name or place he was usually called by, to the end both that one proprietor may be distinguished frome another who hath the same name, and that the lands in other barronyes or countyes belonging to this person may be rightly ascertained and knowne from the lands belonging to another person of the same name.

Memorandum. That all woods fitt for timber, and which do not grow uppon barren mountaine, are to be surveyed and returned by themselves, as is directed by the Act of Parliament, together with the nearest estimate of what number of timber trees may be thereupon.

6thly. Having thus sett downe soe many parcells as lye contiguouse and doe belong entirely to any one proprietor, you are underneath to summ up the whole number of acres in the said parish, as they are in grosse, and as they are distinguished in profitable and unprofitable; and in the next place at large to describe the meares of the said lands by what other townelands or proprietors lands they are bounded, and to set downe whatsoever you find observable uppon the traceing or admeasuring the said lands, relating to the castles, dwelling-houses, weares, mills, or other things belonging to it.

7thly. Having finished your observations uppon the first proprietors land, you are to describe the next, according to the manner and method aforesaid, and soe to proceed from proprietor to proprietor, untill the severall divisions or parcells of land belonging to every proprietor in the said parish be fully sett downe and described, at the end of which you are to summ up the number of acres under each colume, as was directed in the lands of each proprietor; and to observe the like method in every parish, untill the whole number of parishes in the respective barronyes, and the lands in each of them respectively, be described.

8thly. You are at the end of every barrony to summ up the number of forfeited acres in the said barrony, in grosse, and of the acres profitable and unprofitable belonging to every parish, writing downe the name of the parish against the said sum, and underneath the total of forfeited acres in gross, and of the acres profitable and unprofitable belonging to every parish in the whole barony.

9thly. You are to summ up the number of acres of all gleab lands, and of all lands belonging to any archbischopp, bishopp, deane, deane and chapter, contained in any of the said parishes, writing downe the name of the parish
against

against the said summe, and underneath the totall of all the acres, either of gleab land or of that which was belonging to any archbischopp, bishopp, deane, deane and chapter, &c., in the said barrony.

iothly. The like you are carefully to observe in Crowne lands, and in all such woods as are excepted from being cast in (over and above arable, meadow, and profitable pasture) by the late Act; all which you are to signe and give in under your hand.

Last of all, you are at the end of every booke to annex the severall indices or abstracts following, alphabettically:

1. An Index of the Names of Irish Papists.
2. An Index of the Townes Names.
3. An Index of Gleabes, Bishopps, Deanes, and Deanes and Chapter Lands.
4. An Index of all Crowne Lands.
5. An Index of all Woods.
6. An Index of Observations, as Castles, Weares, Mills, Ffords, Passes, Bridges, Abbies, Churches, Mines, &c.

The severall indices referring to the severall pages of the booke where the said subjects are described more largely.

Dublin, 12th Aprill, 1655.

B. WORSLEY.

By the Lord Deputy and Councill.

Order to allow
Dr Petty to
view and copy
any records,
papers, &c., ne-
cessary, and to
have lists of the
fforfeited lands.
20 Dec. 1654-

It is Ordered, that all officers, registers, and keepers of any publique records, doe permitt Doctor William Petty to view and peruse all such records and papers remaining in their custody, which may conduce to the speedy and effectuall carrying on of the worke of survey undertaken by him, and to take single copies of all such papers as he shall desire, which may any way concerne the said worke. And itt is further ordered, that all commissioners which are employed in the civil survey doe take care with all speed to furnish the said Dr, or his assignes, with the abstracts of all the forfeited lands in each county and barrony by them surveyed, according to their instructions, to the end the said

said Dr may be directed unto all and every of the said lands to be surveyed by him accordingly, in pursuance to the agreement to that purpose.

Dublyn, the 20th of December, 1654.

Tho. HERBERT, Clerk of the Councill.

Ordered,

Committee to consider how to begin the survey, and making the subdivisions.
20 Dec. 1654.

That it be referred to Sir Hardress Waller, Collonel Hewson, Collonell Lawrence, Justice Cooke, Dr Jones, Quarter-Master Generall Vernon, Mr Worseley, the Commissioners-Generall of the Revenue, Collonell Barrow, Lieut.-Collonell Arnopp, Major Jones, and Major Smith, and Captain Shaw, or any five or more of them, to consider of the best ways and meanes how Dr Petty may begin the survey by him contracted for, and which way to proceed therein, toward the making his finall subdivisions, and to report their opinion therein to the Councill, at their next meeting, on Fryday next.

Dublyn, the 20th of December, 1654.

Tho. HERBERT, Clerk of the Councill.

By the Lord Deputy and Councill.

Order for measurers, spademen, and the rates to be paid, &c. 20 Dec. 1654.

Whereas Dr William Petty hath contracted and undertaken to survey and admeasure all such forfeited lands in Ireland as are to be sett out for satisfaction of the arreares of the army, together with such other lands as did formerly belong to the Crowne, arch-bishoppes, bishoppes, deanes, deanes and chapters, and other persons belonging to that hierarchy: ffor the better and more effectuall carreying on of the said worke itt is ordered, that the said Dr Petty, or such as he shall under his hand and seale appoint therunto, be and are hereby authorized to cause, from time to time, such and soe many persons to assist him or them as shall be fitt and able to shew the meares and bounds of all such lands as are to be surveyed as abovesaid; as alsoe such other persons as he shall thinke fitt to stand as markes to lead the chaine, or carry a spade for making of marks necessary for the said worke, hee paying to every of the said persons by him or them employed, such reasonable rates for the respective paines as shall be thought fitt by the Commander in Chief of that precinct where the lands lye, or by any one or more of the justices of the peace of the said county, or by the sherriff or undersherriff, or commissioner or commissioners

comissioners of the assessment of the said county where the said lands soe to be surveyed doe lye, not exceeding twelve pence *per diem* to every bounder, and eight pence *per diem* to every marksman or spademan; and all officers and ministers of peace, justices, and officers and souldiers of the army, and all other persons, are to be aiding and asisting unto the said Dr Petty, or his assignes, in the carrying on of the said worke.

Dublyn, the 20th of December, 1654.
Tho. HERBERT, *Clerke of the Councill.*

By the Lord Deputy and Councill.

Ordered,

Order for Mr
Worsley to send
Dr Petty ab-
stracts of the
returns of lands
forfeited. 21
Dec. 1654.

That Benjamin Worseley, Esq., Surveyor-General of lands in Ireland, doe from time to time, as there shall be occasion, and upon request of Dr Petty or his agent, deliver unto the said Dr, or his agent, abstracts of the returns from the countyes of lands forfeited, for his better direction in the admeasurement of those lands.

Dublyn, the 21 December, 1654.
Tho. HERBERT, *Clerke of the Councill.*

But, to returne to the manner of proceeding upon the survey and subdivision above-mentioned:

The Committee returne the Report following:

May it please your Excellency,

Report from the Committee touching the manner of survey and subdivision, 25 Dec^r, 1654.

In obedience to the reference of your Lordshipp and the Councill, dated the 20th instant, we have taken into consideration what may be the best way and meanes how Dr Petty may begin the survey by him contracted for; as alsoe how hee may proceed therein towards the making of his finall subdivision; and having, with the advice and assistance of diverse other officers of the army, largely debated the same, doe humbly offer our opinion therein, according to the particular heads ensueing:

1st. That the Surveyor-General be desired forthwith to prepare and deliver to Dr Petty a particular account of what lands have been surrounded, and returned to him; as alsoe to send for and to get an account of the lands surrounded, and not yet returned to him.

2dly. That

2dly. That the Committee for the Civill Survey bee required, within thirty days after notice hereof, to returne an estimate or extract under their hands, of all the forfeited lands, both profitable and unprofitable, acccording to their instructions, in their respective countyes.

3dly. That, to that purpose, letters effectuall be written by your honours to the said Committee for Civill Survey, and that the agents for the army in the severall parts bee required to attend the said commissioners, to exspedite their worke, in the severall countyes where the lotts doe fall.

4thly. That the register for the court of claimes be required to returne unto the register of forfeited lands, a particular of what lands within the ten countyes have been allowed on passing the claimes by that court.

5thly. That out of the surrounds and extracts returned, a totall of all the lands forfeited bee prepared by the Surveyor-Generall.

6thly. That the Commissioners for stateing the accompts of the army be required, within twenty days, to bring in a regimentall and totall debt of the army since the year 1649; those already disbanded, who have received land for their arreares, excepted.

7thly. That the said Commissioners for accompts be likewise required to bring in another distinct list of all arreares allowed, and on the same security with the army since 1649, that hitherto have received noe lands for their arreares.

8thly. That if, when the whole debt and credit is ascertained, itt shall appeare that the forfeited profitable land shall be found unsufficient to satisfie the said debt, that then the same be proportioned one with another equally, as part satisfaction to the army.

9thly. That the respective agents for the army be required, by the first of Ffebruary next, to meet at Dublyn, and proceed to a regimentall subdivision, according to the credit ascertained and apportioned as afforesaid; and that, where any agents are absent, others may be chosen to supply their places. And that when such regimentall subdivision is made upon an estimate of the debt and credit as afforesaid, Dr Petty be required to proceed to a downe survey of the whole, and to begin for such regiments as your honours shall thinke fitt forthwith.

Signed in the name and by appointment of the
rest of the referrees,

Dated 25 Dec^r, 1654.

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HAR. WALLER.

Which

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Observations thereon. Which shews that the foundation of satisfying the army by a *quota pars* of satisfaction was layd by that Committee, even before any thing was begun in the survey of lands; and that it was

intended that the survey should bee begun uppon the lot of some certaine regiment, whereby the lands belonging unto the same might be admeasured, and immediately thereupon the subdivisionall lines strucke off; the which, being to be all streight, need only to have been pricked off in the house, and thereby directions given to the meanest capacity of the persons concerned, to have the same done upon the land it selfe, especially when such persons had soe lately seen the admeasurement and meares of it.

Which method of proceeding, as it was the best, soe it was that only whereunto the Dr^r was obliged, as appeares alsoe by the Dr^r being to bring in the ac-compt of such subdivisions marked upon the plotts within thirteene moneths, that is to say, as soon the plotts themselves were brought in, and not, as he was afterwards forced, to performe the downe admeasurement first, and then to sub-divide two yeares afterwards, when the mearers were fled, the surveyors dead, the marks on the land worne out, the rats had eaten the originall plotts, and a new interest risen up, for shewing different meares at the subdivision from what were shewen at the first admeasurement, the making of grosse geometricall surrounds mentioned, article of the contract, and the commenceing the twelve moneths time of the probation of the whole worke from the ending of the subdivision, are all arguments of the same truth.

Ffrom whence may be imagined the prejudice the Dr^r suffered in being forced to performe the one soe long after the other, and that in soe broken, doubling, distracted, and dilatory a manner, as hath begot him much inconvenience without profit or thanks.

CHAPTER VI.

FFORASMUCH, therefore, as the subdivision could not be put in hand without their previous computation of debt and credit mentioned in the above report, and that, partly through the insufficiency of the meanes, greatness
of

of the worke, with the slackeness and diversion of the agents, there appeared noe hopes to effect the same speedily, as indeed nothing considerable was done therein untill May following.

The Doctor, to loose noe time, did send forth many workemen into the nearest countreys, as that of Dublyn and Meath. In the first whereof occurred innumerable parcells of land to be measured, under fourty acres each, and many more of the same size were exspected in other places.

Whereupon the Dr^r, conceiving the same necessary to be done, and yet himselfe not at all obliged thereunto by his contract, acquaints the Councill therewith, who, for removall hereoff, and of other obstructions which they foresaw might happen, did appoint a Committee by the following order:

By the Lord Deputy and Councill.

To the end that the surveyes undertaken by Dr Petty, of all the lands in Ireland forfeited to and disposeable by the Commonwealth of England to officers, souldiers, and others, upon accompt of arreares, publique faith, debts, &c., may receive all due encouragement, and what may interrupt the progress thereoff bee seasonably redressed. Itt is ordered that Robert Goodman [Goodwin], Esq., and Colonel Mathew Thomlinson, both of the Councill, together with Sir Hardress Waller, Commissary-Generall Reynolds, Collonell Hewson, and Collonell Lawrence, or any three or more of them, whereof the said Mr Goodwin or Collonell Thomlinson to be one, &c., be, and they are hereby constituted and appointed a committee to consider off and take care that the said surveys be not interrupted or obstructed. And in case any question, difficulty, difference, or controversy shall arise, which casually may obstruct or retard the progress of the said survey or admeasurement, the said Committee as aforesaid are hereby impowered and authorized to hear, examine, and determine all such differences and controversies thence arising; and such their determination to be definitive, conclusive, and binding, to all intents and purposes. The said Committee are alsoe desired to set apart Tuesdays and Saturdayes, in the afternoone, to proceed therein, or at other times, as occasion may be administred.

Dublyn, 9th January, 1654.

Tho. HERBERT, *Clerk of the Councill.*

The above mentioned controversie was brought to the said Committee, who, having by this time been possessed by the enviouse, casheired surveyors, that

the Dr^s gaines would be great, grew severe. And Mr. Worseley, finding him selfe overseen in making the contract as to this point, tooke great paines to find out salvos for such his inadvertency; for, after he had written many polemicall sheets upon the subject, pleasing himselfe, as he usually does, with distilling pretty inferences out of some one mistaken ground, and a laboriouuse shuffling the words relatively, exclusively, and subordinately, hee was feigne to conclude as followeth, viz^t:

(Fforasmuch as all contracts and articles, when many and large, cannot easily bee soe framed and claused but that an advantage may be taken, to the prejudice of the contract it self, if no equity in such cases, in order to preserve the body of the contract, should bee allowed, against the seeming sence of the words; and if the grammar of the words should, against such an equity of the words, bee enforced, the Commonwealth could bee at noe certainty in their agreements.)

Whereas the Dr said, that if the grammar in three severall places, together with a general rule, strengthned with exceptions, should not take place of a wire-drawne equity, brought mearly to excuse tithing of mint and cummin, and neglecting the weightier things of the law, that the poor subject could never bee at any certainty in his agreements.

Lastly, Mr. Worsely perswades the Committee to determine in these words:

That, according to the contract, all forfeited proprietors lands were to be admeasured; but that, if the same should hereafter bee found in soe many very small parcels as that the contractor should suffer, itt was thought fitt that a further allowance should be made, according to good conscience.

In brief, this controversy grew soe high, some argueing for their honour, and others for their preservation, that the whole was at a stand for some dayes, untill, seeing where the shooe pinched, the Doctor framed a new body of articles, admitting him into the worke and wages, which, when he had a little disguised, to make it seeme his owne, he liked soe admirably well, that he signed and presented it to the Committee, the principall points whereoff were these, viz^t:

1st. That the lands be surveyed according to the proprieties and denominations, noe surround exceeding 350 acres, which in the other contract was but fourty.

2dly. That all gleab and mensall land be surrounded, whether they lye in parcels small or great.

3dly. That

3dly. That the artists to be employed be paid by the chaine and angle.

4thly. That an Examiner-General reside at Dublyn.

5thly. That seaven souldiers and a corporall be allowed to waite uppon each instrument.

6thly. That four pounds a thousand acres bee allowed as advance for what shall be *downe admeasured*, and five pounds for what shall be both measured and subdivided.

7thly. That the Dr be allowed 2000*l*, and the pay of fifty foot souldiers, for thirteeene moneths, viz^t., neer 700*l* more; in all 2700*l*, for his paines.

8thly. Memorand, here is noe mention of reimbursing the charge of the grosse surround, viz^t., about 2000*l*.

9thly. Nor of what Mr. Worseley himselfe is to have, which cannot be less then the Doctors.

Soe that, althoough the worke propounded in this latter forme be not soe great as the other, yet the charge uppon the whole will be far greater. Tis true, indeed, that here appeares a demand but of five pounds per thousand, whereas 7^l 3^s 4^d was given in the other, which uppon about two millions of acres saves 4000*l*. Now against that gaine sett the 2700*l* for Dr Petty, and as much more for Mr Worseley, and 2000*l* reimbursements, making in all 7400*l*; and one hundred mens eight . . . *per diem*, viz^t. fourty . . . *per diem* for the souldiers waiting uppon one hundred instruments, for about three hundred and sixty, or three hundred and ninety dayes, making 14,400*l*; in all, 21,800*l*. The ballance will be about 18,000*l*, viz^t. so much less to the State; that is as much againe as the whole cost them uppon Dr Pettye's contract. And this Mr Worsley signes freely, and calls it an exspedient for removing the above mentioned instruction.

The which exspedient, and the giving forty shillings per thousand, *anno Do. 1653*, for what was not worth forty pence, deserves him the pay he demanded, as for two Surveyor-Generalls; ffor tis but reason the Surveyor-General should be paid double, when his underlins are more then quadruple.

This expedient had certainly taken, but that one unluckily objected that the steele and iron in those eight souldiers swords would distract the needles play; nevertheless, Mr. Worseley seeing that the exclusion of him from the worke was not my fault, he assented to some explanations of my first articles, viz^t:

1st. That

1st. That if the small parcells uppon which the controversy arose were measured, that then the distinction into forty acres (though both needless and impracticable in his animadversions) should be dispensed withall.

2dly. That the thirteene moneths terme should not begin from the 11th of December, but from the first of February, for redeeming the time lost by this obstruction; and lastly, that the reimbursements, which were to be gradually disburst, should be forborne till the last: all which was honestly performed, for in that crittall enumeration of all faults, non-performances, &c., exhibited by him the 18^o August, he never mentioned any of the said matters, although the said explanations were never formally sealed and perfected, having been but only written and wittnessed.

CHAPTER VII.

THIS obstruction being removed, wee returne to our worke. Now, all though that obstruction lasted some while, yet were not the officers ready with their quota, or proportion, by which wee might performe the graduall subdivision intended. Wherfore, wee proceed upon the downe admeasurment alone, giving to the surveyors the following instructions, consonant to the above articles and explanations; and the which, being printed, were not distributed untill the Councill had seen them, the same, by their owne directions, being brought to them for that purpose.

Instructions for surveying and admeasuring the forfeited and other the Common-wealths Lands in Ireland.

1st. You are to admeasure all forfeited lands, bee they in parcells great or small, subducting by admeasurement such unforfeited lands as shall be encompassed by them.

2dly. You are to distinguish by admeasurement the profitable from the unprofitable, or returne by good estimate the aliquot part of the same, in case the one lyes dubiouse and confused, or in very many and very small spots among the other.

3dly. In

3dly. In case any unprofitable lands shall lye in parcells of above five hundred acres, all entirely unprofitable, you then, admeasuring the same according to its utmost bounds, as the same shall be either bounded by the outmeares of the barryony wherein it lyeth, or by other profitable lands, are not to admeasure the same into other smaller or lesser parcells then as they lye.

4thly. You are to returne by admeasurement how much belongs unto each delinquent proprietor, unless many forced proprieties, being contiguouse, doe all of them not make up a parcell of fourty acres, ffor you may there (having surrounded the whole) returne the parts by estimate only.

5thly. You are to surround the outmeare of each barryony, even althoough there should bee noe forfeited lands in the same, and therein to give the true place and scituatioun of each of the parcells by you admeasured, unless the forfeited lands lye wholly surrounded with unforfeited, and one mile distant either from the barryony meare, or from some other forfeited lands; in such cases, if you can not find the said places and scituations by intersections to some eminent marks standing thereon, you are then to doe it by estimate, and the best information.

6thly. As for the lands lately belonging to the Crowne, or to any arch-bishopp, bishopp, deane, deane and chapter, or other officer of that hierarchy, in right of his or their office, as alsoe of gleab or mensall land, you are to admeasure and divide them into the lowest usuall denomination of the countrey wherein they lye, due distinction being made betweene the profitable and unprofitable parts of the same as afforesaid; the which you are to distinguish, in your barryony plotts, both from the forfeited lands, and allsoe from one another, by soe many proper coloures as are requisite to exspress the severall varieties of the same.

7thly. When any parcell of land forfeited, formerly belonging to any one person, shall extend it selfe into severall barryones, and be scituate part in one barryony, part in another, there you are to distinguish and admeasure, by the instrument, soe much of the said parcells as shall lye in each respective barryony, returning the same in your mapps and books accordingly.

8thly. You are carefully to describe the bounds of each surround you make, and the nature of the land surrounded, as first whether it be profitable or unprofitable, and then of what species or kind each of the said land is, as whether the profitable be arable, meadow, or pasture; and even of what sort or sorts the pasture

pasture land it selfe is, as whether it be boggy, heathy, fursy, rocky, woody, mountainouse, and the like, &c. The same distinctions are to be likewise made in a very ample and exact manner, in all unprofitable lands exspecially, hereby to give the grounds and reasons of returning the same for unprofitable.

9thly. You are allsoe to note the quality and difference of all your meares, as whether the same be a wall, ditch, banke, hedge, river, bogside, ridge, valley, &c., noting all the permanent and conspicuouse objects, as churches, castles, houses, rathes, trees, great stones, hedge corners, &c., that you shall meet with, in or near your said meares on either hand; that by them, together with the speciall marks which you are to make with the spade, the said meares may be the more easily trod over againe; all which marks you are to gather into a list, as pertinent to the description of each surround.

10thly. In all common land, whether profitable or unprofitable, you are to mention the names of such places or persons as have commonage in the same, with the proportion belonging unto each of them.

11thly. You are by intersections to determine the true place of all townes, churches, castles, knowne houses, hills, raths, &c., within each respective surround, and to be frequent in making such observations, for the better examining and correcting your worke.

12thly. You shall take good notice of all highwayes and rivers, noting their breadth and depths, together with the falls and islands in any of them.

And where you come uppon the sea, or navigable rivers, you are by intersection to observe the wideness of the harboures mouth, biggness and distance of islands or rocks, the place of the bar in barred havens; and you shall alsoe informe your selfe of the soundings, anchorage, course of channells, the place of sands and shelves in or about any of the aforesaid harboures or places.

13thly. You shall measure the heighth of all notorious high hills and moutaines, describing their feet and manner of rising, together with their names and true places, as before directed.

Other Instructions touching the said Admeasurment.

1st. You shall protract your worke uppon single sheets of large papers, by a scale of forty perches to the inch, by which way allsoe it is to be cast up, protracting thereon noe more surrounds then it will receive of such as are entire, leaving

leaving the imperfect (but allowable percles) with their faults unaltered or corrected.

2dly. You are to sett together the surrounds layd downe as aforesaid into a barrony platt by a scale of eighty perches to the inch, exhibiting and representing the scituacion and connexion of each of the said surrounds, the one to another, with coloures distinguishing and encompassing soe many of them as goe to make up all and every of the parishes contained within the said barrony.

3dly. The said barrony plotts, be they great or small, are to be reduced, from the severall scales above mentioned, unto such other scale as may make one of the said sheets of paper fittest to receive them respectively, and you are often to compare and examine your instruments, chaines, scales, and protractors.

4thly. Those that protract themselves are to doe the same in the presence of two other sworne surveyors, shewing unto them the respective fault of each perclose, the which, if allowable, they are to vouch under their hands; and those who doe not protract their owne worke are to cause the same to be done by some other sworne person, who is either paid for the same by the day, or by some other way which may not enduce him to allow of and pass defective worke for good and allowable.

5thly. As for the trueth of the ffield-books, you shall, as often as you see occasion, cause some angles or sides, or both, to be measured (unknowne to the measurer unto whome the measuring thereoff is allotted), thereby to examine any sophistication of the said field-books.

6thly. The common lines of each barrony are to be run together by two distinct measurers at once, their respective servants keeping double reckoning of the chaines alsoe.

7thly. As often as conveniently you can, you shall protract your large surrounds before you doe the inworke of the same; neither shall you allow of such inward lines as you have taken by intersection from the outmeares, untill the said outmeares bee approved of by protraction; and when you shall correct any worke by tyeing lines, you are to select and run for that purpose such lines as may allsoe subdivide the said great denomination into its severall proprieties and qualities, according to the rule aforegivien.

8thly. You are, if possible, to have such bounders as shall be recommended by the jury that gave information to the Commissioners of Civill Survey, caus-

ing them to be either sworne, or subscribe before good witness unto the trueth of the bounds they shall shew unto you.

9thly. Where the meares are not certainly knowne, but two are offered as likely to be them, there you are to take notice of both, vizt., of the most likely by admeasurement, and of the other by estimate, making extraordinary marks at all such places, and recommending them to the country, and expresseing the controversy about the said meares in your respective returns.

10thly. Where you meet with any notable impediment to the performance of the within instructions, as the difficulty and unfitness of the said lands to be admeasured, as being overflowne, &c.; or the want of bounders, guards, provisions, long and great raines, wind, mists, &c., you are to take notice, by your selfe and other good witnesses, of the same.

11thly. You are to returne your originall and first plotts or protractors aforesaid, together with authentique transcripts of your field-bookees, with all allterations made afterward in your worke, well attested and vouched, as alsoe a booke of reference thereunto belonging, together with the barony plotts as afore mentioned, with the names of the conductors, measurers, protractors, bounders, chainemen, guards, and of all others that were present at, or had any hand in that respective survey, with the places of their dwelling, that they may upon occasion bee enquired of concerning any particular thereunto relating.

Things being in this forwardness, the Dr proceeded to make contracts with the severall persons hee employed, vizt., with such surveyors as had lately beene employed upon the grosse surrounds, and others who had wrought on former surveyes, commonly called, or calling themselves, the old surveyors, and alsoe such as had beene more lately instructed and excercised in that faculty.

Itt is to be here remembered, that by the report of the 24th September, it appeares the Dr undertooke to reimburse the moneys expended on the gross surrounds, provided they endured proofe, whereunto himselfe was lyable; soe that, in order to this proof and examination, the following order issued, the which order the Surveyor-Generall receiving, and the said surveyors comming to demand their monyes, twas desired their worke might be examined according to that proposall and the Councill's order. But the said Mr. Worsley, upon pretences that the said examination required an additionall charge, and for other reasons, knowne indeed unto himselfe, but suspected by others, the thing was not done; whereupon great wrangles arising, for quietness sake the

Doctor

Doctor was forced to assent to the said surveyors having their forty-five shillings per thousand, and to allow them 3^l 5^s more; in all, 5^l 10^s, that they might undertake the said worke anew, according to the Dr^r articles.

And in particular, M^r Jackeson, of Limericke, though he had done none of the grosse surrounds by him formerly undertaken, had 5^l 10^s for whatever the Doctor had 7^l 3^s 4^d; and for what the Dr^r had three pounds, others that went on new worke had four pounds ten shillings, and forty-five shillings, on the same grounds.

There were allowed to examiners and other house workers 100^l *per annum*, to some of them more, to others 80^l, to few less.

Hee agreed with others by the lump, for soe many barronyes, wherewith themselves were well acquainted, to avoid the temptation which might arise from dealing by the thousand; withall agreeing with them to admitt of an inspector of his owne appointment, to oversee their performance, even in the field.

With some he agreed by the number of chaines and angles only; hee agreed with others to be ready upon all extraordinary occasions of subdivision, or of correcting errors, repairing omissions, &c., allowing them certaine rates for their works, and other rates for their travelling charges to, from, and betweene the several places of their employments.

All which persons, besides their oathes, gave bond to perform their respec-tive undertakings, according to the articles of the eleventh of December, which the Dr^r himself had entered into with the State; and were brought in person to the Councill Chamber, about the eleventh of March, 1654, to justifie their respec-tive performances; the which they allsoe verified by certificate under their hands, endorsed on their printed instructions, according to the following forme:

I, A. B., &c., having been duly sworne, doe hereby certifie that the barrony-ies of C. D., in the county of E., have by myselfe, and sufficient assignees and partners, been surveyed and admeasured according to the instructions within printed, and given unto me by Dr^r William Petty, especially according to the most materiall and essentiall parts of them, vizt., by returning the true quantity, quality, ffigure, scituatiōn, name, proprietor, bounds, and buildiungs uppon, &c., of all and every the parcels and surrounds of lands directed to be admeasured together, the names of the meeresmen, and of their dwellings, who shewed the

said lands; all which I have performed and examined according to the best of my care, skill, knowledge, [and] information. Given under my hand, the &c.

All which was yet further corroborated by other certificats of unconcerned examinators, in the following forme:

Wee, whose names are hereunto subscribed, doe certifie that wee have been employed by Dr William Petty upon and about the survey by him undertaken, by vertue of a contract, bearing date the 11th of December, 1654, betweneen Benjamin Worsley, Esq., on the one part, on the behalfe of the Commonwealth, and the said William Petty, on the other part; and have been all and every of us paid, for our labour therein, by yearly salary only. And wee doe further certifie, each of us for his owne respective worke, that wee have examined the severall barronyes undernamed, by joining the common lines of severall mens worke, by reprotracting each line and angle according to the originall field books, by comparing each surround with the abstracts or catalogues of lands to be surveyed, received from the Surveyor-General's office, and by casting or recasting up of the contents of every surround; and in order thereunto have severall times, as often as their was occasion, rejected such faulty worke as hath been brought unto us, and caused the same to be corrected, in the ffield and otherwise.

Wee have, moreover, examined the severall transcripts and copies, both of the plotts and references, vouched by the said Dr Petty, and to be given into the Surveyor-General's office, and doe find them to agree with their respective originalls given in by the respective authors of them; all which wee have performed according to the best of our skille and knowledge; and doe each of us believe, in our judgements and conscience, that the said surveyes have been, upon the whole matter, well and sufficiently performed.

THO. TAYLOR.	Wm. MORGAN.
ED. LUCAS.	Wm. TREVIS.
GEO. BALDWIN.	RICE LLOYD.
JO ^N . VISE.	Wm. BRUDENEL.

Ffor the further confirmation of all which, and for the wiping of some other dirt, I shall interpose the

About September following, vizt. after above six moneths pauese and consideration, the Councill entrusted the direction of another, neer as great and the

the like kind of survey, unto the Dr^r, with an honourable allowance for the same; and even the Surveyor-Generall, M^r Worsley himselfe, by an instrument under his hand, dated the 18^o of September, 1656, prohibited any to be employed in this second great survey but such as had been before employed by the said Doctor, and withall soe farr allowed of the reasonableness of the wages which the Dr^r allowed his surveyors, viz^t. three shillings per mile, that by the same instrument he thought noe oppression to the same persons to be allowed but two shillings.

Before wee leave this point, it is to be noted, that the Doctor furnished all, or most part of all those surveyors with circumferenters, chaines, protractors, links for chaines, needles, rulers, royall paper, mouth glew, tents, protracting boards, compasses, &c., sending them into the country, uppon accompt, all things whatsoever they sent for ; furnishing them many times with extraordinary hands, uppon extraordinary occasions ; made up their worke fair for them, when they had finisht it in the ffield ; tooke off their obligation to subdivision, when twas inconvenient for them to waite uppon uncertainties ; paid them their moneyes before due, uppon rebates ; as also when accompts were difficult to be made up, or notes and receipts lost, he compounded with them by the lump, &c. ; and uppon all which accompts, and alsoe by reason of severall unexspected emergencies, which did often disturb the nature of the severall contracts, sometimes controversies did arise, and different understanding of our articles, in all which cases the Doctor ever used to state the case in writeing, bidding the parties against him shew the same to their friends and councill, desiring nothing more of them but that they would not misrepresent the fact ; and did allways offer the determination of any matter of right, either law or equity, unto indiferent persons ; by which meanes he never had any suit of law, and but one complaint to the Councill, and but one arbitration, uppon the numerouse, intricate contracts which he had occasion to make.

CHAPTER

CHAPTER VIII.

HAVING thus put in hand the admeasurements, the Dr next proceeds to make what benefit he could of the surveys of Tipperary taken in the Earle of Straffords time, by vertue of the afore-mentioned generall order of the 20th of December, granted him to that purpose. And first he enquired into the nature of those surveys, by consulting what opinion others had of them, and particularly by the following report:

By the Lord Deputy and Councill :

Ordered,

That the Surveyor-Generall of lands doe deliver unto Dr William Petty the surveys of such, the severall barronyes of the county of Tipperary, together with the bookes and other appurtenances belonging to them, as are sett out for satisfaction of the army, the said Surveyor-Generall taking a receipt for the same, together with an engagement for the said Dr to redeliver them uppon demand.

Dublyn, the 14th of May, 1655.

Tho. HERBERT, *Clerke of the Councill.*

By the Commissioners of the Commonwealth of England for the Affaires of Ireland.

Ordered,

That it be referred to Benjamin Worseley, Esq., Surveyor-Generall, and Major Symner, to consider of the several surveys, books of survey, reference plotts, and other papers returned about the admeasuring the county of Tipperary, and what barronies have been admeasured in the said counties, and what papers, plotts, or books relating to the said barronys respectively are perfect, and such as may be relied uppon; and what other barronyes they conceive a necessity of admeasuring againe, and which of them.

Dublyn, the 22th of June, 1654.

Signed by order of the said Commissioners,

Tho. HERBERT, *Secretary.*
To

To the Honourable Commissioners of the Commonwealth.

According to your Honours order of reference of the 22th instant, to consider of the severall surveyes, bookees of reference, platts, and other papers relating to the admeasurement of the county of Tipperary, which are in the Commonwealth's custody, and to report what barronyes have been admeasured in the said county, and what papers, platts, and books of survey belonging to the said barronyes respectively are perfect and to be allowed, and what are imperfect, and whether any barronyes in the said county doe remaine to be admeasured, and which they are, wee humbly certifie as followeth:

That wee have perused certaine small books bound up in parchment, and entituled: the 1, barony of Ikerine; 2, Eliogarty; 3, Kilnemanagh; 4, Kilnelonger; 5, Ileagh; 6, Upper Ormond; 7, Lower Ormond; 8, Arra; 9, Owny Mulrian; 10, Ownybeg.

On the outside of each of which books is sett downe likewise the names of the parishes respectively belonging to that barony.

In the inside of the booke, before every parish, is sett downe the names of the jurors, being generally six in number, and underneath the said names this memorandum written, that they being all duely sworne upon the holy Evangelists, have sett forth the bounds and meares, names and by-names, of all the quarters, plowlands, and other denominations of lands lying in the parish of , together with all the owners and proprietors of the said lands, their names and by-names, to be as follow, and to the said information have at the'nd thereof subscribed their names.

In the next place is sett downe the names of the surveyors who admeasured the said parish, with this memorandum, that , sworne admeasurer for the parish of , doeth present, upon his oath, the true quantities and qualities of all the severall lands lying in the parish of , to be as follows, and to the said presentment hath, at the end hereoff, subscribed his name.

The method and proceeding in the description of every parish is as followeth:

1st. The number of surrounds made by the instrument, in each parish respectively, is sett downe, together with the quantity of land contained in each surround, according to the denominations, as one plowland, $\frac{1}{2}$, $\frac{1}{3}$, or $\frac{1}{4}$ of a plowland, &c.

2dly. A description

2dly. A description of each surround, more particular, according to the name of the land soe surrounded; the quality of the said land, as arable, pasture, meadow, timber-wood, shrubby wood, and bogg; and this againe into wast and into that which holds a proportion, as $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$ or $\frac{1}{5}$, in value, as we conceive, to that which is profitable and good; 4th, the names of the proprietor or proprietors who have lands within the said towne soe called or distinguished, or a note of the said lands itts being in controversy; 5th, the quantity of acres in the said towne, distinguished according to the quality; 6th, the number of reference, both to the county map, to the barony and to the parish mapp.

3dly. Att the end of each surround is an observation made of what castles, houses, mills, or other edifices, as alsoe what mines or other emoluments, were found uppon it.

4thly. Where any parcell of land belonging to any towne is severed or lyeth in common, there the same particularly is surrounded, and the quantity, quality, name of the proprietors of itt, exsprest; the severall surrounds of the parish being described, the whole number of acres is sett downe, with an index of the observations in the said parish, and another index of the proprietors' names, and *another index*: after both these two certificates, the words of the first being as followeth:

Soe are the true meares and bounds of all the lands lyeing in the parish of , together with all the proprietors of the said lands, uppon our oaths, and to the best of our knowledge. Wittness our hands. Underneath are writt the jurors names.

The words of the second certificate are these: Soe are the true quantities and qualities of all the severall lands lying in the parish of , uppon my oath, and to the best of my skill and knowledge. Wittness my hand. Underneath which is the name of the surveyor of the said parish. The dates of the certificates being not exspressed.

And the like method and forme wee observe to have been followed in all the said parishes within every of the said baronyes respectively.

Wee further humbly certifie that, besides the sayd books, wee find a very fair county mapp, containing the severall baronyes before described to be admeasured; as alsoe other smaller mapps of particular baronyes, and of particular parishes, most of which, soe far as wee can discover, are very entire and perfect. The said plotts or mapps exspressing alsoe the quality of the said land,

whether

whether arable, pasture, or meadow, &c., and how the same is respectively scituated in each land.

Wee further certifie that all the barronyes of the said countyes of Tipperary appeare to have been admeasured, and plotts of them returned, save only the barrony of Slevardagh and Compsy, and the barrony of Iffa and Offa, and Clanwillian and Middlethird, of which *Slevardagh* and *Compsy* only doeth belong to the souldiers.

Wee further certifie, that, besides these, wee find not any paper relating to the said county of Tipperary; but of some other counties, particularly of the countyes of Gallway and Slego, wee find an office of enquiry, made by vertue of a commission from the late King, of all that were reputed proprietors of lands within each barrony of the said county distinctly, and what estates each of them claimed, in posession or reversion; and what or how many townes, quarters, cartrons, or other quantities or denominations of land, any or either the said particular persons held, and what were the severall name or names of the said lands; but neither the quality or number of acres, according to twenty-one foot to the perch, or value of the said lands, were by the said commission to be enquired after, mentioned, or exsprest.

Upon the whole matter, wee are humbly of an opinion,—

That as to the quantity of land, or number of acres contained in each barrony, and within every parish or towne within the said barronyes respectively, nothing can be exspected more exact then what may be found in the papers, books, and plotts of the said barronyes respectively mentioned. But as to the quality of the said land, for what is returned wholly wast or unprofitable, or for what is judged by them to hold only such or such a proportion unto lands good and profitable, noe certainty, as wee humbly conceive, can in that case be given, further then as your honours shall thinke fitt to allow soe much of it as shall agree with the returnes of the country, as it shall be found by the courts of survey.

All which, nevertheless, wee humbly submit.

BEN. WORSELEY.

MILES SYMNER.

M^d.—That this report was approved
by the Commissioners.

A Particular of what Books of Reference, Field Books, County Mapps, Barrony Mapps, or Parish Mapps, as were delivered to Dr Petty this 22nd of May, 1655.

BOOKES OF REFERENCE.

Barrony of Upper Ormond.
Owny Mulrian.
Arra.
County Limricke, Owneybeg.

FIELD BOOKES.

Field Booke of Upper Ormond.
Owny Mulrian.
Arra.
Owneybeg.
Kilnelongury.
Kilnemanagh.

COUNTY PLOTTTS.

TIPPERARY.

BARRONY PLOTTTS.

Kilnemanagh.
Upper Ormond.
Owny Mulrian.
Owneybeg, 2 parish plotts.
Lower Ormond.
Arra.
Kilnelongury.

UPPER ORMOND.
BARRONY.

Annameale.
Templedownine.
Latteragh.
Templederry.
Kilnaneafe.
Kilkenny.
Ballemachy.
Balligibbon.
Kilrowan.
Lisbonny.
Ballinacloghy.
Dullagh.
Kilmore.

LOWER

LOWER ORMOND.

Ballingary—wanting.
 Moderenny.
 Arderony.
 Nenagh.
 Musea.
 Dromoneir.
 Killodiernane.
 Knigh.
 Ffenogh.
 Clogh-prior.
 Barreskeene.
 Uskean.
 Eglish Clohan.
 Tirraglash.
 Balloghkeene.
 Duvo [Durro] and Bonahan.
 Kilburrane.
 Lorhoe.

PARISH PLOTTS.

BARONY, }

{ Ownebeg.
 Tough.

OWNEY MULIAN.

{ Killoscully.
 Kilneragh.

ABRA.

{ Castletowne.
 Youghalarra.
 Burges.
 Temple-Ically.

KILNEMANAGH.

{ Ballintamble.
 Tome.
 Kilpatricke.
 Outerleigh.
 Clonolta.

KILNEMANAGH.

{	Donoghell. Moyaliffe. Clogher. Castletowne. Agherue—wanting.
---	--

KILNELONGURTY.

{	Done. Temple-oghtra. Temple-beg.
---	--

Whereupon I received what was extant and remaining of the baronyes of Upper and Lower Ormond, *Kilnemanagh*, *Kilnelongury*, *Owney* and *Arra*, and *Owneybeg*, and since returned them, having the said surveyes in his custody. Hee alsoe considered for what reasons Mr. Worsely, in pursuance of his above report, did not make use of them himselfe, as to the intended satisfaction of the army, without contracting for a new readmeasurement, the which, as was conceived, must be the want of the bookes of reference, disagreements betweene those surveys taken *anno 1639* and the present civill survey, as alsoe the difficulty of making subdivisions upon them. On the other side, it was considered what reasons there were to meddle with them, the which reasons were plainly and candidly these:

That the Doctor understood that the bookes of reference which were wanting were gotten into the hands of some of those officers whose lots were like to fall in Tipperary, who, in case of any disagreement (betweene the new survey now to be made and that allready in being), to their disadvantage, would oppose that very reputeable survey of Strafford sorely against the Dr^r.

2dly. It was considered that, the people of Tipperary having more universally obeyed the orders of transplantation then other countries generally had done, that countrey became soe uninhabited and wast, that it would be impossible to find mearers to doe it tolerably well, much less soe well as to give such new worke soe great a credit as the other allready had.

3dly. It was considered that many houses and improvements were now demolished, which were, *anno 1639*, standing; and many wett grounds, heretofore pasturable, now became wholly bog, with other like alterations, which might have proved a grievance to the army, and consequently a review was thought necessary.

Lastly,

Lastly, that survey returned lands generally part profitable, whereas the Dr was to returne it wholly such, or wholly unprofitable, in conformity to the Act of Satisfaction; soe as he was alsoe for that reason necessitated to make reviews, and withall to acquaint some able artist with the lands themselves, that thereby he might be enabled to be dexterouse in the subdivision of those barronyes, whensoever the same should be called for.

For which purpose there was employed a person, allready conversant in those parts, uppon this worke, with the following extraordinary and particular instructions, vizt:

Instructions to be observed by Dr Patricke Raggett.

1st. You are, by the help of the respective jurymen, who did lately give information to the Commissioners for the Civill Survey, to enquire for the lands mentioned in the abstracts of the said civil survey, herewith delivered unto you, under the names returned both in the said survey and alsoe in the admeasurement taken *anno Domini 1639*, noting downe all along where the said lands are called by severall names in [the] two severall surveyes.

2dly. As alsoe where the said lands are said to belong to severall barronyes or parishes in the said two severall surveyes. In brief, you are to find out all the lands mentioned in the old survey, enquiring which thereof is unforfeited, as belonging to English Protestants, and to be ready with mearers that can shew the bounds according to both old and civill survey; and that the plotts now to be given in, may [bee] (although the same with the old), notwithstanding, marked with the names given in by the late civill survey, unless it appear that any grosse error be in the same. Withall, you are to take care that the new civill survey doe containe noe more lands then what is, though perhapps under other names, mentioned in the old, which if it doe, then such overplus, not being returned in the old, is to be measured by you.

3dly. You are to tread the meares according to the old and civill, and to take notice how the plotts which you have agree with the lands it selfe, marking the scituatiōn of the present howsing, buildings, and other remarkable things, with some character exspressing their condition and repaire.

4thly. You are to carry an instrument with you, and therewith, by intersections, to distinguish the profitable from the unprofitable land, according to the present condition thereof, guiding your selfe, as to the quality, by the late civill survey,

survey, your owne, and other good information; giving all along the reason or cause of the difference betweene the qualities of the same lands, as they are now, and as they were heretofore returned.

Soe that you may, on the backeside of the plotts herewith delivered unto you, marke out the division of the respective lands, and their buildings uppon them, according to the names of the civil survey, placeing thereon the present housing, &c., and alsoe distinguishing the qualities, as you shall now find them by your owne view and observation.

I, Patricke Ragget, of Thurles, in the county of Tipperary, having been duly sworne, doe hereby certifie that the barronyess of Balleboy, Kilcorsy, Coolestowne, Warringtontowne, Ballecowen, Clonliske, Phillipstowne, and Bal-lebret, in the King's County, have, by my selfe or sufficient assignes and partners, been surveyed and admeasured, according to the printed instructions hereunto annexed, and given unto me by Dr William Petty, especially according to the most materiall and essentiall parts of them, viz^t., by returning the true quantity, quality, figure, scituacion, name, proprietors, bounds, and buildings uppon and of all and every the parcells and surrounds of lands directed to be admeasured, together with the names of the meeresmen, and of their dwellings, who shewed the said lands.

And have reviewed, examined, and compared the survey and admeasure-
ment of the baronyes of Upper Ormond, Lower Ormond, of Owney and Arra,
of Owneybeg, and the territories of Kilmenanagh and Kilnelongury, in the
county of Tipperary, by surrounding and treading over the meares of all and
every denomination of lands within the said baronyes, by the help and with
the assistance of a jury of the countrey, and doe attest the same to have been
well performed, according to the best of my care, skill, knowledge, and infor-
mation. Given under my hand, this 10th January, 1655.

PAT. RAGGET.

Soe that it cost the Doctor much labour to compare the said admeasure-
ments with the present civil survey, and to reconcile the different names of the
land, and distributions of them, into baronyes, parishes, and particular towne-
lands, before he could resolve to send out the aforementioned Patricke Ragget
to review it; and it cost him much in wages to the same person, before it
would be resolved whether, after all the said experiments and charges, the
whole

whole must not be done over anew; by all which it can be made appeare that the said old survey did not yeild much advantage to the Doctor uppon the whole matter, that is, uppon downe admeasurement and subdivision, taken both together, there having been soe much ventured to try it by the above mentioned previous examination and reviews. So that, in briefe, this old survey gave the Dr^r only an occasion to play at hazard, and he had the good fortune to win, though not one hundred pounds.

CHAPTER IX.

HAVING thus published our instructions, and made our contracts, wee proceed upon the downe admeasurement, doeing as well as we could, since the army were not ready with their agreements, in order to subdivision, according to their report of the 25th of December last; nevertheless, the Dr. allways solliciting them to that purpose, and assisted them in what he could in order thereunto, soe that about the beginning of May, 1655, the Councill were pleased to give an order which produced the following report of the 9th of the same moneth.

The principle points of the above mentioned proposalls, annexed to the above report, being, that upon the most exact computation of debt and creditt which could be then made, the one answered to the other as five did to eight,

A satisfaction of 12^o 6^d per li. viz^t, to the satisfaction of twelve shillings and sixpence in the pound, hoping, nevertheless, that they might proceed uppon $\frac{4}{5}$, or

$13^{\circ} 4^d$ per li. upon which grounds it was offered, that the severall regiments within the respective lotts of the provinces be directed forthwith, to agree and determine uppon some points or places within some of the counties of the said respective provinces, from whence they shall begin, and soe proceed gradually to take their satisfaction for each of the said regiments; as likewise a method how they shall proceed from the first to the subsequent countyes in each respective lott; and that orders doe issue forthwith accordingly, &c. Whereupon severall agents made such agreements, and there issued an order of the 22th of the same, viz^t:

By

By the Lord Deputy and Councill.

Ordered,

That it be referred to the Commissioners-Generall of the Revenue, and Mr Standish, Receiver-Generall of the Revenue of Ireland, to consider of the agreement made with Dr Petty for admeasurement of forfeited and other lands in Ireland; as alsoe of the generall vote of the councill of officers of the 18th of December last, concerning the armes proportion of the pay undertaken to be made to Dr Petty, for his worke of surveying their lands allotted for their respective arreares; and how the same may be reimbursed to the publicke treasury, out of the pay of the army, and in what proportions.

They are further to consider how the monyes, from time to time payable to Dr Petty by the said agreement, may be had, to answer the engagement of State therein; and to offer their opinions herein with all convenient speed.

Dublyn, the 11th of May, 1655.

Tho. HERBERT, *Clerke of the Council.*

By the Lord Deputy and Councill.

Upon considerations of the severall petitions of the officers of the army, desiring that, forasmuch as the admeasurement of the lands throughout all the three provinces is in some competent forwardness, orders therefore might be issued for the putting of themselves and their respective regiments into possession of the arreares due to them; and upon consideration of the report of a committee of certaine agents and others appointed to consider of the manner and way how the satisfaction of the army may best be expeditied;

Itt is by the said Lord Deputy and Councill ordered, that the army be forthwith put into possession of lands for the two-third parts of the arreares respectively due to them, according to the rates sett downe in the Act for satisfaction of the adventurers and soldiers, for the severall provinces of Leinster, Munster, and Ulster. -

And to the'nd that, in assigning or setting out the said lands to the severall regiments whose lotts are fallen in the afforesaid respective provinces, the lands soe assigned may be sett out together, without intervalls, according to the tenor of the said Act.

And that the overplus of the lands, if any shall remaine in any of the said provinces,

provinces, after satisfaction of two third parts of the said debt as aforesaid, may lye entirely together, for the better convenience of the Commonwealth and remaining part of the army,

Itt is further ordered, that the severall regiments whose lotts are respectively fallen in any of the said provinces of Leinster, Munster, [and] Ulster, bee put into possession of their lands successively, one after another, each regiment beginning to take their posession from the bounds of such places, where the lotts of the respective regiments preceeding did respectively determine.

And that the said regiments may likewise the better know how to take their respective satisfaction, according to the rule and prescription aforesaid, itt is further ordered, that the agents for the severall regiments within the respective lotts of the provinces aforesaid, doe agree and determine among themselves what county of each province, and what barronyes in such respective countyes, shall be first sett out unto them; and doe further, by consent or otherwise, appoint what regiment, troop, or company within such respective regiments shall be first sett downe in the said barony or county, and soe successively in the next adjacent barony or county, and the rest of the baronyes and countys following in the said province respectively, until all the regiments, whose lotts are fallen in the said respective province, shall be satisfied the two third parts of the arreares respectively due unto them as aforesaid; allways observing that the additionall security to the said province shall not be taken by them untill such time as it shall appeare that the rest of the lands in that province is not sufficient to answer the said two third parts of the arreares or debt charged uppon it.

And it is further ordered, that the severall agents of the said regiments within the said respective provinces, giving in a list or particular to the Surveyor-General, what baronyes or countys they desire may be first set out unto them, together with the names of the regiments, or of such troopes or companies in such respective regiment, as they desire may respectively be satisfyed in the said baronys and countys, and soe in the rest of the baronyes and countys following in the said province as aforesaid, the Surveyor-General be required and is hereby authorized to give directions to such as are to admeasure and subdivide the said lands, that the said baronyes bee sett out and subdivided to the said regiment accordingly; the said admeasurers nevertheless strictly observing the rules and prescripts above mentioned, 22th May, 1655.

THO. HERBERT, *Clerk of the Councill.*

K

By

By which it appeares in what forwardness this vast worke was in the three very first moneths of its proceedure, and what it was allways the intention both of the State and army, as alsoe of both the parties to the contract for surveying, that downe admeasurement and finall subdivision should be carried on together, and that regiment after regiment should be gradually and successively dispatcht absolutely. Now, the reasons how the summ came to be altered, and how Dr Petty thereby was cast into great and unexspected hardshippes, will appere from the ensuing summary, viz^t:

A Summary of the Proceedings of the Councill of Agents, beginning the 9th July, 1655, att the Castle of Dublyn.

After severall dayes meetings and debates, they appointed out of their number a committee to consider of and propose unto the said councill such particular things for their debate as they should conceive reasonable and meet, in order to the armyes satisfaction of their arreares.

A returne of the said proposalls being made, and the councill having debated the particulars, they ordered the afforesaid committee to draw up the substance thereof into a petition to be againe offered unto them, in order to the presenting of the same unto the Lord Deputy and Councill. The purport of the said petition was, that a plenary satisfaction, notwithstanding the former order for $\frac{1}{2}$, might be speedily given to their possession. To which petition were added severall reasons for their said desire. The said petition was accordingly received by the councill of agents, and by the greatest number of them signed, and delivered to the Lord Deputy and Councill, who, uppon consideration had thereof, did verbally referr it to the councill of agents, to give them a further accompt how the disbanded party, and those who have arreares due for service before 1649, should be equally provided for with themselves, if the foresaid petition should be granted.

Concerning Contribution towards Relief of the Waldenses.

His Excellency the Lord Deputy meeting in the Castle-hall with severall officers of the army, they together did resolve that that which should be proposed in generall for the officers throughout the army freely to subscribe and contribute towards the relief of the distressed Waldenses, should be a fortnights pay, and for the private souldiers one weeks pay; but severall of the officers then

then and there present did subscribe, some a months pay, others 3 weeks, and some one weeks pay; and it is to be understood that the fortnights and the weeks pay to bee proposed should not be exacted from any persons, or any be compelled to pay the same; but that such of the officers and souldiers as would be free therein should contribute, but otherwise nothing to be expected from them.

Concerning the Arreares of Widows, &c.

A petition was drawne, and ready to be presented to the Lord Deputy and Councill, that the widows, orphans, and maimed and impotent souldiers, might be speedily put into the possession of their arreares; but after some consideration had thereof, they thought fitt rather, by Sir Joⁿ Reynolds and Collonell Sankey, to offer the same verbally, which was done accordingly; and the Lord Deputy and Councill returned for answer, that they would take care that the said widows, &c., should be speedily satisfyed.

The councill made a report to the Lord Deputy and Councill, in answer to that reference which concerned the disbanded forces, and the arrears before 1649.

Notwithstanding which, the said Lord Deputy and Councill returned for answer to the aforesaid petition for plenary satisfaction, that, for ought then appeared unto them, they did not thinke fitt to receed from their former order for satisfyeing of two-thirds.

The next proceedings of the council of agents was: they presented a petition to the Lord Deputy and Councill, that the profitts of all the lands belonging to the armes security might be assigned over into the hands of such agents as the army should appoint, from May last, and soe to continue till the downe admeasurement.

Certaine resolves passed the councill, which, in conclusion, they contracted in this one, viz^t:

That the aforementioned committee of agents should consider and draw up, for the debate of the whole council, such proposalls as they should thinke conducible, in order to the making of a good and sound title to the souldiery for their lands which they shall possess for their arreares, and severall other matters relating to the welfare of the army.

The councill of agents being mett at the Castle, as formerly, the report was

made by the committee, of such matters which, in pursuance to the vote of the 18th of July, instant, they had prepared for the councill to consider of, which were read, and severall of the heads thereof debated.

The answer of the Lord Deputy and Councill to the petition of the profitts of the lands, &c., being made and read, it was considered of; and in regard the same granted the profitts only of the ten counties, it was further resolved, that another petition should be drawne, and presented by their next meeting, for to procure the profitts likewise of the other security, and to be assigned over to the agents as aforesaid.

Resolved, that the former committee who prepared the other business doe prepare this against Munday morning.

A return of the petition ordered to be prepared for the profitts of the collaterall security being made, and read before the councill, they resolved that it should be engrossed, and presented to the Lord Deputy and Councill; which, being signed by the greatest number of the agents then present, was done accordingly; the substance of which petition was this:—That in regard the Act doth not define a grosse survey, and they not knowing whether the ground and limitation of the concession for the profitts of the moyetie of the ten countys was granted by a gross survey or downe admeasurement, the Lord Deputy and Councill would soe far admitt the grosse survey allready made noe way contrary to any rule in the Act, as that the profitts of the collaterall security may be sequestred from the State's revenue, and deposited in a third hand, till it appeare to whome of right it doeth belong. And further, that forasmuch as, before they can proceede to the conclusive possession of the rest of their collaterall security, they are by the Act to take the overplus in the moyetie of the ten counties assigned to the adventurers, and the overplus of their collaterall security, by which rule they cannot sit downe till every individuall adventurer be fully setled, which the petitioners conceives, for diverse reasons, will not be effected in many yeares; they, therefore, pray the Lord Deputy and Council, that out of their accustomed care they would be pleased to declare their dispensation of that rule, or make an humble, earnest, and speedy application on the petitioners behalfe for his Highness his dispensation; and the rather, that the overplus, if any be in the adventurers moyety or collaterall security, will probably be as advantagious to the State as an overplus in any other part. The petition

petition was by the appointment of the councill delivered to the Lord Deputy and Councill by Collonell Sankey, Collonell Abbot, and Collonell Ingoldby, who returned from their Honoures with this verball answer, viz^t:

That the profits of the security mentioned in the said petition should be put into the hands of their receivers for the severall precincts, and reserved soe that noe part of those rents due from May last should before the first of November be disposed off; and as to the other part of the petition, they were pleased to declare that they would condescend to dispence with the forementioned rule, in the granting forth of the collatterall security. The councill, after a full debate, had put the following question, viz^t:

Whether the rents and proffits of the moyetie of the ten countyes now granted by the Lord Deputy and Councill to the use of the army, shall be collected by order and appointment of the agents for the respective provinces, and disposed of accordingly ?

Resolved in the affirmative.

The councill of agents did further take into their consideration the propo-salls tendered by the committee who were appointed to prepare for their debate such things as they should conceive would conduce to the procuring them a legall title to their lands, as alsoe such other matters as tend to the further set-tlement and welfare of the army.

The proposals were debated gradually, and put into questions, as fol-loweth :

Whether agents shall be nominated and impowered to doe such act and things as they shall judge conduceing to the making an indefeasable title to the lands which shall be assigned the souldiery for their arrears ?

Resolved in the affirmative.

Whether such agents shall have power to distburse such sums of money as they shall judge necessary for the most advantagious carreyng on of the said worke, according to the instructions they shall receive ?

Resolved in the affirmative.

Whether the agents shall be limittted in their exspence, in the carrying on of the said worke ?

Resolved in the affirmative.

Whether

Whether the said limitation shall be two thousand pounds?

Resolved in the affirmative.

Whether application shall be made for an Act of Indempnity?

Resolved in the affirmative.

Whether application shall be made for trading betweene England and Ireland in port cocquett?

Resolved in the affirmative.

Whether application shall be likewise made, that Ireland be declared a member of the Commonwealth of England, to enjoy all immunitiess equall therewith?

Resolved in the affirmative.

Whether effectuall care shall be taken for a limitation of time for making of claimes and sueing out titles?

Resolved in the affirmative.

Whether it shall be endeavoured that there be provinciall committees, to examine such as pretend they have arreares due for service before 1649, and have gotten forth debentures for the same, but have forfeited their arreares by their revolt from the Parliament, under the command of Sir Charles Coote, Collonell Jones, and Collonell Monck, &c.

Resolved in the affirmative.

Whether application shall be made, that, in the delivering out of the lands to the army, unprofitable land may not be delivered out as profitable.

Resolved in the affirmative.

Whether woodreeves, of the armes owne choosing out of the respective divisions, shall be appointed to looke unto the woods in their said lott.

Resolved in the affirmative.

His Excellency the Lord Deputy, comming to the councell of agents, after a speech made concerning their late proceedings, and alsoe concerning the necessity of the State to disband or reduce part of the army, did acquaint them that it is intended there will be a speedy reducement of the army, but that he knew not on whome the lott should fall. He therefore advised them to consult and agree among themselves what such, whose lotts it should be to bee reduced, might exspect and relye on for their comfortable sitting downe; whereupon
the

the said councill of agents, after mature debate, did put the several votes following:

1st. Whether those regiments, troopes, or companyes, who are to be next reduced, shall have their full satisfaction in lands according to the Act rates.

Resolved in the affirmative.

2. Whether the lands to be given out to such part of the army as are to be reduced, shall be assigned them out of their respective lotts, as they have been allready cast.

Resolved in the affirmative.

Whether the respective provinciall divisions, and the subdivisions, shall agree among themselves, what point or angle those who are to be disbanded shall begin to sitt downe att.

Resolved in the affirmative.

With another resolve for satisfaction of him who attended this councill.

The several petitions, reports, &c., mentioned in the said summary, or the chief of them, are these following:

TO THE RIGHT HONOURABLE THE LORD DEPUTY AND COUNCILLE.

The humble Petition of the severall Agents of the Army, whose Names are here subscribed, in behalfe of themselves and the Regiments, with other Part of the Army, which they respectively represent,

Sheweth,

That your petitioners doe most thankefully acknowledge your honours vigilancy and care of them, and, as in generall, soe in particular for the satisfaction of the debt of the army, as a reward of their faithfull services. In order to which, your Lordshipps were pleased to appoint a committee to state the debt and creditt of the army, uppon whose report thereof, and tender to your Lordshipps, that there would be three-fourths of satisfaction for the army, your honours were pleased afterwards to referr the said report unto two agents for each province, which were to be chosen by some agents then at the head quarters; uppon consideration of which report, the said committee of agents finding that uppon the rule and estimate of the civill survey, together with the deductions made for claimes, the lands would fall short of its full satisfaction, they did report and propound unto your honours that two-thirds of the debt might at present be satisfied,

satisfyed, and upon their petition to that effect, your honours were pleased to order the Surveyor-Generall to goe on forth with to give them two-thirds of their debt. In order to the possession whereof, the said Surveyor-Generall sent unto your petitioners diverse querries to be resolved, which they could not answer otherwise then together, for which cause they are convened to this city.

Now soe it is, may it please your Lordshipps, that since your petitioners former proceedings, as is above mentioned, the downe survey for most counties is come in, whereby it evidently appeares that the lands doe hold out above a third part more then did the estimate in the civil survey.

Your petitioners therefore doe most humbly pray that your honoures will be pleased to give order that they might be put into speedy possession of their full and entire satisfaction, according to the Act of Parliament, and according to their respective lotts, which were drawne at the last generall councill, and that for these following reasons, which they most humbly present, viz^t:

1st. Whereas, upon the civil survey, which was the rule on which only two-thirds was proposed, the downe admeasurement holding out soe much larger, as is before exprest, in most counties that are admeasured, full satisfaction is now desired.

2d reason. The Act of Parliament, that gives the petitioners satisfaction for their whole debt entirely; and at the generall councill held in Aprill, 1654, it was resolved that they should take their satisfaction according to the Act, and according to the respective lotts then drawne.

3d reason.—The souldiery their arrears being very small, if their satisfaction were divided into two parts, itt would render the whole insignificant to them in a great measure.

4th reason.—The whole satisfaction may be received with the same trouble and expence as two-thirds may, and the satisfyeing of one-third hereafter will be as expensive as the whole now.

5th reason.—Itt will not be secure for the army to deliver up their bonds or debentures untill they have plenary satisfaction.

6th reason.—If any regiments, troopes, companyes, or private persons, shall be shutt out for want of lands, which the petitioners have noe cause to suspect, by meanes of satisfyeing the whole as aforesaid, and that upon application to authority,

authority, an addition of lands cannot be obtained to supply them, the petitioners will freely oblige to buy such out in money, at 18^s per pound, which high rates they doe not offer uppon accompt of the reall value of land, but [to] avoid any inconveniencies which may obstruct their desire of present possession and future enjoyment of lands for their whole debt.

HEN. PRITTIE.	D. ABBOTT.	D. AXTELL.
JO. NELSON.	PET. WALLIS.	THO. DAVIS.
FR ^E . BOLTON.	JO. DISBROW.	H. HURD.
THO. MOSSE.	WIL. WALKER.	H. ALAND.
RO. STANNEL.	ED. WARREN.	ROB ^T . PRESTON.
RIC. WALLER.	JO. DENISON.	JA. HUTCHINSON.
THO. WALCOT.	JO ^N . STOPFORD	JO. WHEELER.
WILL. MORE.	A. WARREN.	SOL. CANBY.
WILL. MORRIS.	JO. JEONER.	FRA. GORE.
ROB. ORMSBY.		

In obedience to the reference of your Lordshipp and the Councill, dated the , wee have considered of the interest of the disbanded party, and the arreares before 1649, and humbly offer our sence therein as followeth:

1st. That the disbanded forces in the county of Lowth have allready two-thirds of their satisfaction; besides its very likely that, having received lands according to the generall estimate upon a downe admeasurement, there must be found a surplusage there, as in other places, which is most fitly applicable to their satisfaction in case of want.

2dly. For the disbanded in Ullster wee say little, having none here to conferr with concerned in that interest.

3dly. For the disbanded in Connaught, there is of the same lands which were ordered for them sufficient at their doores to satisfie them what shall appeare they have received short of the engagement made to them.

4thly. As for the disbanded in the county of Corke, in case there be a defect, wee understand there is enough yett remaining, of the security formerly appointed, to make up their full satisfaction.

5thly. Ffor the disbanded in the county of Kilkenny, wee humbly offer that the remainder of the barronyes of Gowran and Ffassadyna which are most fitly

fity applicable to their satisfaction, may be sett apart for their security, to make them equall with the army.

6thly. Ffor those of the county of Longford, they have alreadly received two-thirds of their satisfaction.

Now whereas the army did engage for an equall satisfaction with themselves to the disbanded party, it must be performed after the lands are layd out, till when it cannot be knowne wherein they came short. However, wee have offered the afforesaid cautionary security, to bring them to at least two-thirds, which wee conceive will be as good satisfaction to them as the whole will be to the standing army, considering the advantages the disbanded party have had in point of conveniency, in point of choice, and in point of time, whereby they have been enabled to gett tenants from all parts of the nation to plant their lands with, the standing army receiving only what comes to them by lott, which differenceth their condition very much as to all the fforementioned particulars, as may easily be demonstrated.

As to the engagement on the army for an equall satisfaction at the Act rates, for arreares before 1649, itt is humbly offered that the army have alreadly consented to lay apart, as cautionary security for their said arreares, three countys of the armyes security, and have allsoe made application to the Lord Protector and his Councill for the satisfaction of the said arreares in lands in Co-naught, which is not yet refused to be done.

And now wee doe humbly offer and desire that the said three countys may be given out, towards the satisfaction of the said arreares before 1649, as far as they will goe; till that bee done, its impossible for us to know what they will want.

And wee likewise pray that a committee be appointed to examine the interest of persons alledged to be concerned in those arreares before 1649, for that wee understand that severall who did desert Sir Charles Coot and Collonell Michael Jones (the only persons, with the forces under their command, who did justifie the Commonwealths interest in Ireland, in the times of greatest tryalls) have stated their accounts, and received debentures for the same; and wee doe humbly conceive itt is not the reall intention of the Commonwealth that they should receieve satisfaction for those debentures, which being done, considering how large a proportion of the said arreares is allready satisfyed to the disbanded party and others, the remaine will not arise to soe great a summ as is imagined.

And

And wee doe further humbly offer, that all the time the generall councill did engage themselves to take care for the equall satisfaction of the disbanded party and the arreares before 1649, itt was uppon consideration that the large security that lay then before them, since which time a considerable part of that security hath been otherwise disposed of, by admitting severall to composition for large proportions of land, &c.

Wee therefore humbly offer it, as a thing most proper and equall, that your lordships take the care of satisfyeing what demands the aforesaid persons concerned may justly make, for their equall satisfaction to the army; or that your lordshipps will please to appoint an equall security to the army, in lieu of such lands soe disposed of as aforesaid, which wee humbly conceive may be made up out of the lands in Connaught exempted from the Irish for the garrisons, English plantations, and near the sea and Shannon, by which meanes wee shall be enabled to answer to the uttermost the engagement of the army.

And wee doe further humbly offer, that diverse vast proportions of rebels lands in Ullster and other places, are not given out to the satisfaction of the souldiery nor the adventurers; on this account, that some English proprietors have statute staples and mortgages for summs of mony on the said lands, which summs of money doe not, in any competent measure, hold proportion with the reall value of lands, in which case wee conceive it might be very equall and just to give such English proprietors soe much of the said rebels lands as might amount to a just satisfaction of their debt, and to dispose of the remainder to the satisfaction of the debts due to the adventurers and souldiers, and other publicke engagements; all which, together with the townes which are comprehended in the Act for the satisfaction of publique debts, will amount to considerable summs.

D. ABBOTT.
PET. WALLIS.
JO. NELSON.
HEN. ALAND.
RO. PRESTON.
THO. DAVIS.
JA. HUTCHINSON.
RIC. WALLER.
A. WARREN.

DAN. AXTELL.
JO. DISBROW.
ROB. ORMSBY.
HEN. HURD.
FFRA. GORE.
THO. MOSSE.
THO. WALLCOT.
ED. WARREN.

13th of July, 1655.

TO THE RIGHT HONOURABLE THE LORD DEPUTY AND COUNCILL.

The humble Petition of the Agents whose Names are subcribed, in the Behalfe of themselves and such Regiments, with other Part of the Army, which they doe respectively represent,

Sheweth,

That since our last application to your honours for a plenary satisfaction for our arrears due for service since the fifth of June, 1649, wee have mett together, and after a large and seriouse consideration of your honours answer therunto, as likewise considering what might be necessary to offer to your honoures touching that affaire, in behalfe of our selves and those for whome we are entrusted, wee were jointly of opinion, that it would be reasonable and meet to offer unto your honoures, and accordingly doe humbly pray—

That the profitts of all the lands belonging to the armyes security, in their severall and respective lotts, may be assigned over, for their use, to such agents as your petitioners shall appoint, in the respective divisions from May last, and soe to continue till the lands be divided and layd out by the downe admeasurement; and your petitioners the rather desire this in regard of their great charges, as well upon the admeasurement, as their necessary attendance in the prosecuting this business.

D. ABBOT.	HIE. SANKEY.	H. INGOLDESBY.
Jo ^N . NELSON.	HEN. OWEN.	Tho. DAVIS.
D. AXTELLE.	HEN. ALAND.	Jo ^N . GODFREY.
A. WARREN.	H. HURD.	Tho. MOSSE.
Jo. JEONAR.	Jo ^N . DENISON.	FfRA. BOLTON.
Tho. WALCOT.	Jo ^N . DISBROW.	WIL. WALKER.
Rob. STANNELL.	FfRA. GIBBON.	RIC. WALLER.
Rob. PRESTON.	Ffr. GORE.	WILL. MORRIS.
Sol. CAMBIE.		

By his Highness the Lord Protectors Councill for the Affaires of Ireland.

Upon consideration had of the petition presented unto this board by severall officers of the army, desireing thatt all the profitts of lands belonging unto the armyes

armyes security in their severall and respective lotts, might be assigned them over for their use in their respective divisions, from May last, and to continue till the lands be divided and layd out by the downe admeasurement; and uppon conference with the petitioners, and debate had upon the Acts and ordinance of Parliament, of His Highness the Lord Protector, relating thereunto, fforasmuch as there is a great doubt whether the civil survey, as allready returned, be a survey agreeing with the prescript rule of the Act for putting the officers and souldiers into possession of lands amounting to third parts of their respective arreares, according to the grosse estimate; as alsoe considering what preiuose acts (not yet done) are primarily and reciprocally to be performed; and that the countyes for collaterall security desired are not disposeable, according to the rule of the Act, for satisfyeing the army, untill it appeares what surpluse shall or may arise from the moyetie of the 10 countys ordered for satisfaction of the adventurers, and of the county of Lowth, which, by the Act, are made additionall security, and are first to be proposed as satisfaction before any other of the countys appointed for collaterall security; the Councill, moreover, taking into consideration how there are severall reduced officers and souldiers sate downe, besides diverse others, who ought of right by the Act to receive equall satisfaction with the army, according to proportion:

The Lord Deputy and Councill doe therefore order that the said agents, or such as the army shall appoint, may receive the rents and profitts issuing out of the forfeited lands within the moyetie of the ten countyes, due and in arreare from the 23th of May last, for and in behalfe of themselves and the rest of the army; and D^r Petty is hereby strictly enjoyned to take speciall care that the downe survey, or exact admeasurement now in hand, bee with all convenient speed perfected. Dated at the Castle of Dublyn, the 20th of July, 1655.

Tho. HERBERT, Clerke of the Councill.

By His Highness Lord Protectors Councill for the Affaires of Ireland.

Ordered,

That the rents belonging to the Commonwealth henceforth growing due out of the forfeited lands within the respective countyes of Kerrey, Wexford, Tyrone, Londonderry, and of one-halfe of the county of Kilkenny, and out of the four barronyes in the county of Corke, vizt., Kinalea, Kerricurrihy, East and West Carbury, be undisposed of, and reserved in the hands of the respective receivers

receivers of the rents belonging to the Commonwealth in the said countyes, un-till the first of November next, soe as it may appeare whether those countyes and barronyes shall fall within the lott belonging to the army. Dated at the Castle of Dublyn, the 24 July, 1655.

THO. HERBERT, *Clerk of the Councille.*

To Major-Generall Sir Hardress Waller, Commissary-Generall Sir John Reynolds, Collonell Hierome Sankey, Collonell Daniell Axtell, and Major Morgan.

Know all men by these presents, that out of our speciall trust and confidence of your integrity and good will towards us, and of your judgement, ability, and provident circumspection, wee doe nominate, constitute, and ordaine you, the above named persons, our lawfull attorneys, for us and in our names, and for [and] on the behalfe of all others who ought to have arreares satisfied in Ireland, to prosecute and pursue the ensueing instructions: hereby ratifyeing and confirming whatsoever you shall doe pursuant thereunto, according to the best of your judgement and abilities.

1st. You shall and may doe such acts and things as you shall judge conduceing to the making an indefeasable title to the lands which shall be assigned in Ireland for satisfaction of arreates.

2dly. You shall or may make application for an Act of indemnity. And alsoe,

3dly. That Ireland may be declared a member of the Commonwealth of England, and enjoy all immunitiess equall therewith, and that free trade be allowed by port cockequetts betwixt England and Ireland, as betweene port and port in England.

4thly. You shall endeeavour to procure a limitation of time for making claimes and sueing out titles.

5thly. You shall by all lawfull wayes and meanes endeavour to prevent such as have forfeited their arreates from receiving satisfaction for the same.

6thly. You shall be carefull to prevent the setting out unprofitable land for profitable; alsoe incumbred lands in stead of such as ought to have a clear title; and if any such thing should happen to be done, you are diligently to endea-vour the removall of such greivance.

7thly. You shall apply for license that the respective provinces may appoint wood-reeves

wood-reeves of their owne choosing, for the preservation of the woods within their lotts.

8thly. You shall and may doe all such acts and things as you shall judge conduceing to the prosecution of and effectuall compleating the severall articles of those instructions, according to their intentions.

And for the better enabling you to carry on the worke of these instructions, you shall receive by the hand of such as you shall appoint, from Mr. Nathanael Boyce, for the province of Munster, the summ of eight hundred and seventy pounds; and from Major Morgan, for the province of Ullster, the summ of one hundred and seaventy-five pounds; and from Captain James Stopford, for the province of Leinster, the summ of nine hundred [and] fifty-five pounds, which severall and respective summs, or soe much thereof as you shall see cause, you shall and may dispose and issue to the ends above mentioned, in such manner as you shall thinke fitt, allwayes provided you keep a record of the whole proceedings and disbursements, to be perused by any of the persons for whome you are entrusted, att their request.

9thly. You are to procure the true state of the debt and creditt of the whole army; and, in order thereunto, to use all lawfull wayes and meanes you can to effect the same accordingly, either by application to His Excellency the Lord Deputy alone, or unto his Lordshipp and the Councill, or by applying to the severall regiments, troopes, companyes, and others who have any just and lawfull debts to be satisfied with the army.

10thly. You are to endeavour the hastning in of the surveyes; and itt is further resolved by us whose names are subscribed, that all persons who ought to have arreares satisfied in Ireland ought to be and are concluded in the above-mentioned instructions. Given under our hands and seales, this 26th of July, in the year of our Lord 1655.

HEN. INGOLDESBY.

D^N. ABBOT.

ROB^T. BARROW.

JO^N. NELSON.

THO. DAVIS.

WM. SHAW.

H. ALAND.

FRA. WHEELER.

JO. FOWKE.

THO. STANLEY.

ROB. FFRANKLIN.

WILL. WALKER.

WM. HEIDEN.

PET. WALLIS.

THO. JONES.

JO. DISBROW.

FRA. GORE.

ROB. STANYARD.

ROB. ORMSBY.

JO. DENISON.

SOL. CAMBY.

ALEX.

ALEX. STAPLES.

H. HURD.

THO. WALCOT.

NATH. BOYCE.

WM. MORRIS.

FRA. BOLTON.

JO. GODFREY.

JO. MANSSELL.

ROB. PRESTON.

ED. THOMLINS.

The said transactions being over, and now noe possibility of admeasuring and subdividing together and all under one, there came to the Doctor orders upon orders, exceeding thicke, to make ready the surveyes, both bookes and platts, of the lands forthwith to be sett out to the forces now to be disbanded, and which were to be kept in whole or halfe pay untill the same were done. In breif, by the speciall and extraordinary mercy of God, the said surveyes and surveyors to subdivide were in such readiness upon the severall respective spotts, that not a penny of unnescessary pay was continued by occasion of any unreadiness herein, in soe much that the first clamour upon my employing new instructed artists, raised by the old surveyors and other enviuose persons, did allmost wholly cease, although, instead thereof, when the forces then satisfyed had been uppone their land, there arose another more dreadfull, by the said forces themselves, viz^t, that the said Doctor employing drunken surveyors, unprofitable land had been put upon the army as profitable; whome, by the way, they acknowledge soe sober as not to have erred in the quantity, ffigure, or scituuation of such land, whose quality they had mistaken: the which clamour brings me now to speake of this matter, as well for what concerns the land distributed to the disbanded *anno 1655*, as all other lands, and even the county of Kerrey it selfe, the great scene of this clamour.

CHAPTER X.

THE complaint was this, viz^t, that for as much as 7^l 3^s 4^d per thousand for the profitable lands disposeable to the souldiery, and but three pounds for unprofitable, which was to be throwne in over and above, I caused too much to be returned profitable, partly designedly for my owne lucre, as aforesaid, and partly by mischance, in employing meane, ignorant, and corruptible persons.

Now, for the examination of this matter, itt is desired that it may be taken notice

notice of, that, to 2395 thousand acres of profitable land, there was cast in 309 thousand of unprofitable by Dr Pettyes survey, vizt, to every eight acres of profitable one of the other; and if Kerrey, whereoff I shall treat apart, be excepted, then to every seaven of profitable one of the other sort; soe that the question is, whether in a countrey famed as Ireland is for the fertility of its soyle, it is likely that more then one acre of eight should bee worth nothing.

Whereas 309 thousand acres have been returned for unprofitable, and suppose that as much more ought to have been returned, that the Dr himselfe had, in his owne person, committed the wrong, soe as the army thereby should thereby have suffered to the value off 154000^l; ffor unto soe much doe 309 thousand acres, at 500^l per thousand, one with another, amount unto; and that he should have gotten 309 times four pounds, vizt, 1240^l, by the abuse; tis offered to consideration whether he, who in the practise of his faculty of physick hath refused the third part of whatever was offered him, gave away severall of his vailes, as clerke of the Councill, lost money even by being secretary to a Lord Leiftenant, never sued any man that did him wrong, &c., should, to get one pound, wrong the army of neer 150^l, even the army who were his friends and promoters, and who put themselves voluntary to eight thousand pounds charge to purchase his service, and his care of their concerneaments.

2dly. A great part of the army, at least the most complayning part, had their land *anno 1655*, the rest receiving theirs *anno 1656*, since which there have been three Parliaments. Why hath not any complaint been made of this abuse to some of them, when soe many of the members were souldiers, and the very parties, nay persons complaining; why did not publicke spirited Sir Hierome, whose regiment, if any, suffered, and hee who would be allways a member, not put in this cry into either of his settes of articles against Dr Petty, when, as he was once bent to sue him for one hundred and fifty thousand pounds damages upon the very same accompt?—Why did not the said Sir Hierome, Collonell Lawrence, and Collonell Barrow, all, in their feirce complaints hereoff, gett soe much as the quitt-rents sett on those course lands mitigated, when they were soe busy to get other things of less moment brought into the Act of Parliament for confirmation of estates, which was hammering from May to October, 1659? Nay, why could not the authority of Ireland bee ever wrought to make any alteration in this matters, nor to give any direct relief therein, which, by severall expeditiess offered them, they might have done?

3dly. Tis offered to consideration, whether the cause of these clamoures were not partly envy of better lotts, partly that some of the same mans lott was worth but twelve pence a year, whereas the body of his whole lott was worth six shillings, whereby he was apt to call that worser sort unprofitable, whereas other men rejoiced to have any, even the best of their land, yeilding twelve pence per acre, vizt, as much as the worst of his whome wee supposed to complaine; or whether these complaints did not proceed from hopes, by rejecting one hundred acres of course land as unprofitable, to obtaine at least a possibility of one hundred acres of very rich land for itt, not being contented with one hundred acres of noe better land then should in the judgement of other surveyors bee esteemed barely profitable.

4thly. But as the Dr did not distinguish the lands in his owne person, but by his deputies, soe did he never give any private directions or encouragement to them for being unjust, or even severe, in this particular; nor did he ever alter any returne made and offered him by his said deputies and instruments, or suffer the same to be done.

5thly. Were not his instructions published in print, viewed by the councill, and exsposed to the sight, censure, and exception of all the world, before ever chaine was layd uppon any land by the Doctors appointment?

6thly. Suppose the surveyors employed had been as ignorant as, for the answering of certaine of crooked ends, they were represented, was there more danger that they should mistake wett meadow for bogg, then, on the contrary, bog for marshy pasture; or were they soe drunke, as sometimes alsoe hath been alledged, that they could not see the aforesaid distinction, and yet had not only their eyes, but as much of their other sences, reason, and art too, as served them to give a sufficient accompt of the quality, ffigure, and scituatioun of the land they admeasured? Or, if they were to be corrupted, who was most likely to corrupt them? The Lord Deputy and Councill, who minded them not, or the souldiers, who, knowing neer the places of their respective lots, were many of them knowne to be too busy where and when the surveyors were at worke. Moreover, althrough every foot of the unprofitable should have been returned for profitable, yet the State was sure never to have saved an acre by such severity, there being by the Act of Satisfaction more debt charged on the lands of Ireland then halfe as much more will pay.

Why am I blamed if there were any miscarriage therein, and not those who actually

actually and of themselves alone committed the fault, viz^t, the under surveyors; and why should the under surveyors bee blamed for missing that which one hundred diligent and concerned seekers could never find, and which the Act of Parliament kept hid; and as the above report of the eleventh of May, 1654, setteth forth, neither prescribes nor warrants any meane for these distinctions, soe, as, in the judgments of the authors of the said report, there was noe other meanes left but what was used, viz^t, the oathes of the surveyors?

Whose invention was the allowing a greater rate for profitable then unprofitable; whereas the Doctor demanded but one summ for the whole, or one and the same rate for the thousand, and brought the former practise of allowing fourty-five shillings for the profitable, and nothing for the rest, as a maine objection against that method of administration which he endeavoured to evert; and why was he pressed and threatned to employ the old surveyors, whome he could not, in above two monethes treaty, bring to worke otherwise then by the thousand acres? whereas he easily made the new ones, who soon excelled the others, to be paid by the mile in length, wherein noe possible byas could be, and according to which way the greater and more disputed part of the whole survey was performed; soe that althoough his superiours would not lett the byas be taken off from him, yet he tooke it of as much as he could from others, and those in whome it was most dangerouse.

Moreover, when he did use all the meanes aforementioned, for the satisfactory performance of this nice service, althoough the effect had noe ways answered, yet ought he to have been thanked for his endeavours and superarrogancy herein: ffor it was not cleare that he was by his contract bound to this thankless office, but only to offer reasons whereupon others might judge. Hee was to have meeresmen appointed him by the State, to tread out before him the dislimitations he was to make; and, lastly, the Commissioners of the Civill Survey seemed by their instructions to bee not only qualifed, but enjoyned to express the proportions wherein each denomination was profitable and unprofitable, the which judicall assignement, with the geometricall content, would have answered all intentions.

Soe that he is blamed for doeing a necessary worke that he was not bound to; is punished for performing that worke amisse before it appeare to be soe; the pretended miscarriages of others are charged only uppon him; hee is blamed for not doeing [what] the wisest concernees have pronounced impossible; hee

suffered for the pretended committed faults of his instruments, and for the omitted directions of his masters; hee is taxed of being swayed by a byas, which his rebukers would not suffer him to resist; men cry out they are wronged, to have him punished, not themselves righted, which they never sought. He is said to befriend the State, by undoing the army without the States advantage; and, in fine, of strange designes to ruine others without any benefitt to himselfe. None of those who see moates in his eyes taking notice of the beames in their owne, nor considering from what spirit those absurd and unjust contradictory imputations doe proceed.

As an appendix hereunto I must adjoine the accompt of the survey of Kerrey, and the reasons why that defamed county is said to have above four hundred thousand acres of profitable, and scarce thirty thousand acres of unprofitable land, as to which matter I say as followeth:

1st. That those whome the Dr^r employed returned the same accompts of that place as they did who had immediately before admeasured itt by grosse surrounds, with mention of the same difficulties in adjudicating the quality of those lands.

2dly. That I caused some of the worst baronyes to be admeasured by the mile in length, which afforded noe temptation to returne more profitable then was soe; and, in fine, that those who went by the thousand acres, being reputed very honest and diligent persons, went by the same way of distinction as the others did, even although and before the said different undertakers had any conference with each other.

3dly. The said surveyors tooke more paines in the field, and the Dr^r more in the house, to make up an extraordinary kind of booke, whereby to give a just accompt of that county then was done in any other part of the whole survey; uppon which grounds noe man ought to blame them for seeking an ordinary wages and reward for the same, the surveying of these lands being worth five times more then that of meadow a hundred times as good; nor ought such endeavoures to be misused for an argument why all the course pasture of that county should be imposed on the souldiers for payable land, because it was returned as in a degree profitable; besides, since there was not above one hundred thousand acres of the disposeable sort of lands which concerned the Doctor, but four hundred pounds. Why was not rather some equitable composition made with him, then that soe many comittees of the Councill and army should meet almost

almost every day for two monethes about it, and that the satisfaction of the whole army should be retarded all that while, by reason thereof, had there not been some more heavy reason in the business, viz^t, the interest of all those of the army who were sure not to fall there, who urged to have every acre of the coursest, and such whereof forty was not worth one of the arable of the same countrey, to bee imposed for payable, to the end that the *quota pars* of their owne satisfactions, fallen by lott in better counties, might be the greater; ffor if the baronies of Iveragh, Dunkeron, and part of Glanneroughy, had been taken into the credit, the *quota* of twelve shillings [and] three pence might probably have been sixteene shillings; and in case the disposeable land of the rest of Kerrey had been excluded, the *quota*, instead of twelve shillings, had been but ten. Now that the interest of these persons was the chief reason of this hardshipp may appeare from the papers he[re]after inserted, for the better understanding whereof itt is to be premised, that the D^r having tendered his survey at the beginning of March, 165⁴, precisely at the end of the thirteene monethes allowed him, much of that time was spent in referring the examination of the sufficiency thereoff to severall committeees, &c. Now the said survey being found sufficient, the agents fall to make use of itt, in order to their satisfaction, meeting among themselves, and applying to the Councill dayly, about the manner of putting their resolves of Aprill, 1654, into practise; in all which negotiation and treaty the principall care was to avoid Kerrey by those who possibly might fall there, and to have it swallowed was the designe of others in noe danger of comming neer it, which was laboured partly by artificiall intrepertings, and supplying the said generall resolves; but chiefly by asserting or crying downe the survey of Kerrey, as it was returned to containe above four hundred thousand acres of payable land. These disputes and contrivances lasted all Aprill. Att last the Councill, being weary of the dayly and cross applications made unto them, offered the army all the lands belonging to their security, to be distributed by trustees of their owne, according to the tenor of the following commission, and in conformity to an ordinance of the 2^d of September, 1654, viz^t:

By His Highness the Lord Protectors Councill for the Affaires of Ireland.

Whereas by an Act of Parliament bearing date the 26th of September, 1653, entituled, An Act for the speedy and effectuall Satisfaction of the Adventurers for Lands in Ireland, and of the Arreares due to the Souldiery there, this board,

board, or such as they shall appoint, are fully impowered and authorized to distribute and set forth unto the said officers and souldiers, answerable to their respective arreares, their severall proportions of lands, by lott or muthal agreement amongst the said officers and souldiers; and whereas this board hath, by certaine resolves bearing date the 9th of this instant May, concluded,

1st. That all the forfeited lands in the three provinces lyable to the satisfaction of the arreares due to the army (excepting the three counties of Wicklow, Longford, and Donnegall) bee distributed and sett out to the officers and souldiers of the army, to satisfie all arreares due unto them for service in Ireland since June, 1649, and alsoe for their English service due before the 6th of June, 1649, according to the Acts and ordinances of Parliament, or of His Highness the Lord Protector and Councill, made in that behalfe.

2dly. That all the forfeited lands as aforesaid, in each county and barony within all the said provinces alreadly admeasured by D^r Petty, be accepted of by the army, according to the contents of the survey returned by the said Doctor.

3dly. That the trustees be named by the army, who shall bee impowered and authorized from this board, to distribute and sett forth the said forfeited lands lyable as aforesaid to satisfie the arreares of the army, unto the officers and souldiers in the three provinces answerable to their respective arreares.

4thly. That the said trustees shall take care and make effectuall provision that due satisfaction be had and made for all just reprizalls that are or shall bee adjudged and ordered by the Councill or courts of justice, or such commissioners as by the said Councill are or shall bee authorized.

5thly. That the said trustees doe likewise take effectuall care and make provision, and that a due and equall satisfaction be given to the officers and souldiers disbanded in 1653, according to the promise and agreement made with them from the general councill of the army; all which resolves, as appeares by a paper presented unto this board, dated the 9th instant, and signed by S^r Hardress Waller, in the name and by the appointment of severall principall officers of the army, were gratefully accepted of; and for as much as in the said paper Collonell Daniell Abbot, Collonell Thomas Sadler, Major Anthony Morgan, Vincent Gookin, Esq., D^r William Petty, and Major Miles Symner, were by the said principall officers proposed as fitt persons to be trustees for prosecuting the business mentioned in the said resolves of this board, and that

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any three or more of them may be a *quorum*; and that the severall proposalls contayned in the said paper were reciprocally agreed with by our order of the 14th of May instant:

Itt is therefore, upon consideration of the premises, hereby ordered and declared that the trustees afore named, or any three or more of them, bee and they are hereby authorized and appointed by this board, in pursuance of the resolves afore mentioned, to distribute and sett forth all the afforesaid forfeited lands lyable to the satisfaction of the arreares due to the officers and souldiers of the army, except before excepted. And what they shall doe therein they are to certifie the same in writing unto this board, to the intent that such further proceedings may be had thereupon as shall satisfie the ends of the said Act.

And it is further ordered that the said trustees, or any two or more of them, or such as they shall appoint, shall and hereby have power to make search, and to peruse all records, writings, and other papers relating to the said affaire; and all officers and other ministers are thereof to take due notice. Itt is further declared that uppon application made unto this board by the said trustees, all such other reasonable help and assistance shall be afforded herein as uppon occasion from time to time shall bee fitting. Dated att the Castle of Dublyn, this 20th of May, 1656.

THO. HERBERT, *Clerke of the Councille.*

An Ordinance for the more equall Division of the Lands allotted to the Souldiery in Ireland.

Whereas the manors, lands, tenements, and hereditaments, assigned and sett out, or to be assigned and sett out in and for the satisfaction of the arreares of the souldiers in Ireland, are of different and unequall values in themselves, whereby, if a subdivision be not made in proportion to the reall difference of the said lands, some will have lands of a much greater value than others, which will be a very great prejudice to many; for prevention whereof bee it ordained by his Highness the Lord Protector, by and with the advice and consent of his Councill, that it shall and may be lawfull to and for the respective regiments, troopes, and companies of horse, foot, and dragoones; and for the rest of the souldiery who have arreares justly due unto them for their service in Ireland, unto whome any part of the said forfeited land is fallen, or shall fall and bee assigned by lott or otherwise, for and in satisfaction of their and every of their
arreares

arrears of pay, to nominate out of themselves certaine persons to subdivide and set out the said lands soe fallen or to fall to them by lott or otherwise, according to the true and reall value thereof, to the best of their skill and judgement; and to returne an instrument under their hands and seales of such proportion and particular of the lands which shall be by them soe subdivided and sett out to each of the said officers and souldiers into the Court of Chancery in Ireland, to be there inrolled; provided the said persons soe to bee nominated shall in their proceeding therein, as to the gross, observe and keep the rates for lands in their respective provinces of Ireland aforesaid, as they are sett downe in an Act of Parliament made at Westminster the 26th day of September, 1653, entituled, An Act for the speedy and effectual Satisfaction of the Arrears of the Soul-diery; and further, that from and after the returne and enrollment thereof in the Court of Chancery within that nation, the same shall be finall, and for ever after a conclusion and barr to all and every the person and persons interested or to be interested in the said respective lotts and lands, and their heires; and this present ordinance shall be a sufficient authority to the ministers of the said courts, for the enrollment of the said subdivision of the said lands, being brought unto them fairly written, under the hands and seales of the persons employed in the subdivision thereoff, and the same shall bee accepted, deemed, and taken to be a full barr to all pretences of any persons claiming by, from, or under the said lott or subdivision, and their heires for ever.

And bee it further ordained, by the authority aforesaid, that such instrument soe inrolled shall be a sufficient title and evidence for every such person and persons, and their heires for ever, to claime, hold, and enjoy the lands and estate therein particularly mentioned, as fully and amply as if the same had been contained in the lott of such person and persons in full satisfaction of his and their proportion of the lands and estate whereunto they might make claime in satisfaction of this and their arrears.

HEN. SCOBELL, *Clerk of the Councill.*

Passed the 2nd of September, 1654.

(A true copy.)

Noe sooner were these trustees settled, and had declared the manner how they intended to proceed as to the satisfaction of the army, but the papers above-mentioned,

mentioned, and the narration of Lewis Smith, who surveyed the said lands of Kerrey, appeared, viz^t:

TO THE RIGHT HONOURABLE HIS HIGHNESS THE LORD PROTECTORS COUNCILL FOR THE AFFAIRE OF IRELAND.

The humble Petition of the Agents for the Divisions of the Province of Munster.

Humbly sheweth, that your petitioners, being agents for the regiments whose lots fell in the province of Munster, have severall grieveances to propound the removall thereof to your lordshipps; and therefore they humbly pray that noe part of their provinciall security, or the collateral security of that province, bee disposed of from them, till they bee heard by your lordships.

RIC. LAWRENCE.

HIE. SANKEY.

WILL. ARNOOPP.

THO. STANLEY.

ROB. BARROW.

FFRA. BOLTON.

WILL. WALKER.

ALEX. STAPLES.

HEN. JONES.

JO. GODFREY.

WILL. HEIDEN.

WILL. MORRIS.

25 June, 1656.

Reasons presented by the said Agents, 28th June, 1656.

The resolues of the Generall Councill of the 6th of Aprill, 1654, were grounded upon the Act of Parliament, as appeareth by the first, second, and third resolues.

2. The nine resolues first set downe were only preparatory to the drawing of provinciall lots; and the supplement made for the deficiency of the provinces, in the ninth resolve, were only provided as to the manner of ascertaining the regiments in the severall provinces, according to the estimate of the debt and creditt then taken.

3. Accordingly, there was use then made of the supplements soe provided for Munster, to witt, Cranagh and Galmoy was then drawne with Munster, because in that manner of proceeding itt did want it.

Soe alsoe there was use then made of the suppliment for Leinster on Ullster side, to witt, Orier and Ffewes, because Leinster on that side did want it.

But there was noe use then made of the supplement of Gualtier and Middle-
IRISH ARCH. SOC. N third,

third, provided ffor Leinster or Munster side, because Ullster did not begin, and therefore Leinster could not want it on that side.

Whereupon the ninth resolve was made use of at the time of drawing and settling of the provinciall lotts, and fully served the end for which it was appointed, which, being accomplished for the same, can not be properly now received as applyed.

That it was soe, and soe understood, it alsoe appeareth by the proceedings of the agents of Munster and Leinster to subdivision, in that the committee did divide Cranagh and Galmoy with the lott of Munster, as by the first resolve of the committee doeth appeare.

And in that the committee of Leinster did divide Orier and Ffewes with the lott of Leinster, as by the 3rd and 6th resolve of that committee may appeare. But that the supplement of Gaultier and Middlethird, on Munster side, was made use of, doeth noe where appeare.

That the provinciall lotts thus made was confirmed, itt doeth appeare by the third resolve of that Councill.

And that the subdivisionall lotts of the several provinces was allsoe approved, appeares by the last vote of that Councill.

That the provinciall division there made was equall itt is clear, because the regiments in each province, by the estimate of debt and creditt then taken, were equally provided for.

If, therefore, any regiments of the army doe by that estimate fall short of what is due unto them by the Act, what is wanting thereof must be made up, with equallity to all, out of the next adjacent lands, from such regiments and lots only as shall appeare to have more land then, uppon an exact accompt of debt and creditt, shall be found due, proportionably with the whole army, as by the 10th resolve.

The querrie then being, uppon such exact accompt, which regiments or lotts doe want, and which doe abound, it will followe, that such as doe neither want nor abound must not be disturbed, otherwise there could be noe end in the making of provinciall lotts.

In making of provinciall lots, subdivisionall lotts must follow, soe far as they could be practized, to promote the settlement of the army; and accordingly three divisionall lotts in Munster, and two in Leinster, were practized, as by the printed resolves of the committee of both provinces may appeare.

Therefore

Therefore such divisions can not bee violated, unless it doe appeare they were made contrary to the Act of Parliament, or printed resolves of the said Councill.

TO HIS HIGHNESS COUNCILL FOR THE AFFAIRE OF IRELAND.

The humble Addresse of the Agents for the respective Regiments in Leinster and Ulster.

Whereas a committee of the Councill did yesterday acquaint us that it was their intention to report to the Councill that the two barronyes of Iveragh and Dunkeron, in Kerrey, might bee laid aside, and only the rest of the land at present divided; wee humbly offer, that the report may not be made, nor the said two barronyes suspended, for these ensueing reasons, viz^t:

1st. Because the said barronyes are within the provinciall lots of Munster, and allbeit the said barronyes may be of less value then other lands within their province, yet it is within their power to equalize their counties and barronyes, by putting the best above the Act rates, soe as to reduce the rate of the worst to one hundred or fifty pounds per thousand acres, or as low as they please, soe as they doe it entirely within their owne province.

2dly. Because the province of Munster is concluded, not only by their provinciall lott, but alsoe by their owne resolves, from which they may not apeale, as appears by the third resolve and 16th [and] 17th pages of the resolves of the Generall Councill, and of the agents of the province of Munster.

3dly. Because this suspension would bee contrary to the purport of that solemn paper subscribed by the complainants, entituled Reasons to induce the Army to lott for their Lands, wherein they declare that they had rather take a lott upon a barren mountaine as a portion from the Lord, then a portion in a most fruitfull valley upon their owne choice.

4thly. Wee humbly offer to consideration, whether the Act for satisfaction doeth impower the Councill to alter matters concluded by lott or agreement betwixt province and province.—See page 70, 71.

5thly. That by resolve of the Councill, 9th of May, 1656, all the forfeited lands, as admeasured by Doctor Petty, shall be accepted by the army, sett out according to the Acts and ordinances of Parliament.

6thly. That by commission from the Councill of the 20th of May, 1656,

the commissioners are authorized and appointed to distribute and set forth all the said lands, according to the resolves of the Councille above mentioned.

7thly. That, pursuant to their commission, the said commissioners have set out, by a solemne instrument, the two barronyes now proposed to be suspended.

8thly. That a suspension would unravell the whole proceeding of the commissioners, and much retard the satisfaction of the army.

9thly. How far the Councill will thinke fitt to weaken the hands of their ministers, by suffering their proceedings according to commission from the Councill to be exposed to contempt, wee humbly submitt.

10thly. Because the provinces of Leinster and Ullster have both as unprofitable, barren, and wild places, and of as doubtfull a survey, though at a higher price then Munster, and not the advantages of the sea and ffishing, as in Kerrey, namely, Upper Ossery, some barronyes of the Kings County, the Duffry in Wexford, and alsoe Orier, Ffewes, and Cremorne, in Ulster; yet that these wild barronyes and barren places might be as good as the best, wee have, by equalization, put a thousand pound uppon a thousand acres, to reduce the worst farr under the Act rates, which they ought alsoe to doe, it being noe injury to pay three groats for one shilling.

Now if the foregoeing reasons may not prevaile, but that the rule shall be broken in Munster, and they admitted to picke and choose, wee desire alsoe the like priviledge to Leinster and Ullster; that Upper Ossery in the Queenes County, some barronyes of the Kings County, the Duffrey in Wexford, Oryer, Ffewes, and Cremorne, in Ulster, may be alsoe layd aside: all which wee humbly submitt.

30th June, 1656.

ROB. PHAIER.

DAN. AXTELL.

ROB. SMITH.

ROB. PRESTON.

ED. WARREN.

FFRA. GORE.

JA. STOPFORD.

JO. DISBOROW.

ROB. SAUNDERS.

JO. NELSON.

WM. LOWE.

J. RAWLINS.

H. HURD.

JO. GALLAND.

DAN. REDMAN.

WM. MOORE.

RIC. FFBRANKLIN.

JO^N. WARREN.

THEO. JONES.

PETER WALLIS.

WILLIAM PUREFOY.

TO

TO THE RIGHT HONOURABLE THE COMMITTEE OF HIS HIGHNESS COUNCILL
OF IRELAND.

The humble Address of the Agents for the Province of Munster.

Humbly declaring that they have considered the exspedient proposed of reconciling the provinciall differences, by laying aside the barronyes of Iveragh and Dunkeron, in the county of Kerrey, from the creditt, in the present division of lands to the army; and have alsoe, but without success, endeavoured a meeting with the agents of Leinster and Ulster, in order to the finding out of some further exspedient, in discharge to the obedience which was due to your lordshipps proposalls, which they humbly tender; as alsoe, that if the barony of Glanneroughty may not be laid aside, that some way of reprizall may be thought upon for such who shall fall there, and in the rest of Kerrey, they being per-swaded that not one fifth of the return in Glanneroughty will be adjudged profitable lands, and not one moyety in the remainder of Kerrey.

RIC. LAWRENCE.

HIE. SANKEY.

THO. STANLEY.

JO^N. GODFREY.

WM. ARNOOPP.

FFRA. BOLTON.

WM. HEIDEN.

ALEX. STAPLES.

THE NARRATION OF LEWIS SMITH CONCERNING KERREY.

*To the Right Honourable His Highness the Lord Protectors Councill for
the Affaires of Ireland.*

The humble proposals of Lewis Smith, admeasurer of lands:

Whereas I, Lewis Smith, and one John Humphreys, were employed by Dr William Petty in the admeasuring the forfeited lands in the county of Kerrey, as alsoe for subdivision of most part of the same; now six monethes since the said Humphreys and Smith have finished the said admeasurement, and have been ever since waiting to goe about the perfecting the said subdivision, as alsoe severall men employed by the said Smith and Humphreys in the said admeasurement, with severall servants that they have kept, thinking speedily to have gone about the same, which said waiting hath been much to their charges and

and trouble: the very charges in the admeasuring, and what necessary expences they have been att in soe long waiting, is more by many pounds then what is yet received for the same, besides the loss of time.

Now upon frequent comming or goeing to the said Doctor to enquire of him when I should goe about the said subdivision, hee still told me that there was a great debate or trouble concerning the quality of lands in the said county of Kerrey.

Ffurther, it is a generall report in this city, nay even throughout most part of this dominion of Ireland, that the returnes of the lands made by the admeasures of the said county of Kerrey, doth demurr, if not altogether hinder, the proceedings in satisfying the army in this dominion.

Therefore I, the said Smith, thought it my duty to present these lines to your Lordshipps, although my plots and bookes are allready returned in with the said Humphreys, by which said bookes and plots I did thinke wee should have given very good satisfaction or content, otherwise wee might have saved many pounds and many dayes worke more than ordinary, that wee spent about the said admeasurement, if possible to make it without exception. Better were it for us not to be, then that the said Humphreys and my selfe should be the molestors of soe many honourable and judiciose men, besides the multitude. Therefore I humbly crave that your Lordshipps may a litle, with patience, hear me in our vindication, to give you a full account of our proceedings, and the grounds therof; because I understand there is a misinterpretation or construction put uppon our returnes.

Therefore I againe crave your patience, hoping that your Lordships, uppon consideration of the ensueing particulars, a meane proportion will be found betwixt the two extreames that the lands in Kerrey are desired to be set out att. The manner of our proceedings was in this sort, viz^t:

When wee came first in the countrey, wee viewed the place in a generall way, considering the lands to be exceeding bad, and was about not to returne any part of the said countrey profitable, but only arable and good pasture, though our instructions did make mention of severall kinds of pasture which did include and reach the worst pasture, viz^t, rocky, fursy, heathy, mountaine, and bog, &c. butt yet it was soe bad, that wee intended to proceed. Butt then, comming to the more remote part, viz^t, Iveragh, Dunkeron, Glanneroughty barronyes, the greatest part of Corkeaguiny barrony, the parishes of Kilcommen,

Killagha,

Killagha, &c., and the west ffractiuns in Magunnity, with much of the moun-
taine called Sleavelogher, in the barony of Trughanackny, Magunnity, Clan-
morris, and Iraght-Icannor, wee were at a loss, for the like quantity that wee
were about to returne unprofitable in the more habitable places was even as
good as many whole denominations consisted of in the said places, except some
small spotts of arable that was in some of them, and yet goeing by the names
of plowlands and parishes, &c.; some mens whole estates consisting of such like;
some of the said denominations wholly without arable. Soe that wee did not
know what to doe, but was very inquisitive of those that had been inhabitants
in the said places, and of our bounders; soe that wee did clearly see that some-
thing had been made of those places, and something might be made of them
againe if stocked with cattle; and wee did not judge it safe to take uppon us to
cast away towne lands, parishes, nay even allmost barronyes, wholly for unpro-
fitable. Wee could, althoough wee did at first soe judge, having never been in
the like places before, yett having information of the aforesaid, and seeing that
the said places were returned in the abstracts, and as plowlands and as parishes,
and were some mens whole estates, and that wee were informed that the said
course plowlands formerly paid contribution or taxes with the rest of the coun-
try, when the same was leavied by plowlands, therefore we could not but judge
these places good for something, and resolved to make something of them.

Nevertheless one of us sent to the said Dr Petty for his advice in the case,
who returned his answer to follow our instructions, which said instructions did
not give us any information what land to call profitable or unprofitable, save-
ing profitable lands by severall titles, viz^t, arable, meadow, and pasture; and
then makes mention of the severall kinds of pasture land, viz^t, rocky, fursy,
stony, heathy, mountainouse, and bogg, &c., as aforesaid, soe that these titles
did include all that was in doubt as aforesaid. Soe that according to instruc-
tions and information of the said country, that wee doubted of, was, and must
of necessity be called profitable in its kind; but yet wee were in doubt, judg-
ing that it was not fitt that such lands should be accounted and given out in
satisfaction for good lands, much of it being not worth the quitt rents; but there
being noe provision made in such cases, wee did what wee thought most con-
venient and safe, which was that wee have now done, and presented to your
Lordshipps in our plotts and bookees.

Att our comming into the said county, and for a considerable time after, the
said

said Smith and Humphreys were not acquainted, either by letters or otherwise, having never seen each others faces, yet judged each others condition, thinking that wee must needs be in one and the same streights; therefore wee desired to see each other, and discourse the business; and when wee came to present the difficulties concerning the quality of the lands, to all intents and purposes, wee lighted upon one and the same way, in distinguishing the lands into three sorts or parts, viz^t, arable and good pasture, course pasture and unprofitable, before seeing or hearing from each other; and soe consulted concerning the premisses, and resolved to put in execution our former purposes, viz^t, to exactly measure each denomination, and then to consider of the quality thereof, and to run out by chaine and instrument all bog and mountaine that our bounders (and with the best information wee could get on the place) did call wholly unprofitable, that was without dispute, according to our and their judgements, and to distinguish all the arable and good pasture land, and good wood, from the rest of the course or midling sort of land, that wee did not know what to doe with, but did consider how many acres of that course land was worth one acre of good grazing land in those places where the said lands did lye, judgeing that the most fitt and absolute way, with the advice of the chief inhabitants, and there being allmost the same rule before us, which was of antient standing, viz^t, the countrey was divided into plowlands, one plowland being great, and another small, as they were in goodness and badness; for many of the plowlands were but seaventy or eighty acres, others are two or three hundred, and others 2000, sometimes 3 or 4000 acres. Now, at the first division of plowlands, they did endeavour to make them equall in value each to other; but much of the course plowlands being bog, in process of time the inhabitants have improved some of the same, and made it fitt to bear corne; soe that in one of these great plowlands there will be as much arable now as in one of the small ones, besides the number of catle the said great plowlands is able to graze above the small; soe that, ordinarily and usually, in that countrey, the large plowlands is better then the small, soe that wee could not set downe any generall rule to proceed by plowlands; and then many of them being wholly without arable or any good pasture, and sometimes not any of it that wee could absolutely call unprofitable, following the instructions and informations aforesaid.

Therefore wee did value, as aforesaid, whether ten, twenty, thirty, or the like, was worth one acre of good grazing land in that parish or barrony, and soe consequently

consequently did proceed in the like sort throughout the whole county. And allthough that, in our instructions, there is not set downe that wee should value lands, yet there wee are required to give the quality of every parcell surrounded, and even of what sort and sorts.

Now the said county being generally mountainouse, rocky, and boggy, soe that all the pastures came under one of these titles, and most times they are rocky and boggy mount pastures in one and the same places, and yet there is a great deale of difference in the quality, and the same title must be given to it, though there be a great disproportion; so that we judged fitt how to value how many acres was worth one, even to distinguish betwixt course and course, to answer that clause of our instructions.

And that your lordshipps might have a true account of the quality, and to judge of it as you might thinke fitt. As to what wee have done in Kerrey, wee can very well justifie quantities, but as for the quality of land wee had noe rule to walke by, only as aforesaid, but did according to the best of our judgements, and the best information wee could get; soe, breaking noe law, wee thinke not to have wronged any, either the Commonwealth or scouldiers, seeing it was not said lands should be worth quitt rent, or else they are worth nothing, or any other rate put uppon them. But, least you might thinke that wee were not able to value or equalize lands as it ought to be, wee got one of the worst parishes in the said county valued by the chiefest and ablest men that lived in the place; and finding what wee did, by the help of our bounders, to be just and agreeable to the ancient custome of setting or dividing of lands in that countrey, wee did proceed from time to time, much to our great paines, charge, and loss of time.

Now whereas itt is said that there hath been such a large debate, that itt is concluded that, according to the returnes of Kerrey, every acre that wee have soe valued must goe for one as good land as any of the rest, I doe here declare to your lordshipps that it was never soe intended by us, but that according to our value, or something that should bee equivalent with the same, the land should be given out, wee judgeing the said values or valueing to bee the only meane betweene the two extreames; for either must the said values stand, or something equivalent with them, or else nothing but the small spots of arable and good pasture must be accompted as good or profitable, and whole plow-lands, allmost parishes and barronyes, must be throwne away, or else must all

goe for good, either of which would bee very ridiculous, according to my judgement, ffor on the one hand the Commonwealth would loose, and the soul-diers on the other hand. Many of those souldiers that shall fall in those places will have a bondage on them, instead of their having satisfaction, for these many yeares. Most part of Kerrey will not make or raise the quitt rents, some of it never did, nor never will, and yett people lived on it, and is pasturable for cattle, and yet, as aforesaid, not worthy the said quitt rent. Therefore, in this doubtfull case, all that your servants could doe in the same, for the reasons aforesaid, was only to be exact in giving the true quantity, and our judgements concerning the quality, not assuming to ourselves to determine any thing therein, but have layd the same open to your lordshippes, in only giving our sences thereof, and leave you to judge. But this I will dare to say, that noe man or men whomsoever that your lordships shall employ shall ever reconcile the differences that arises concerning the premisses, except by this way proposed by your servants, or something equivalent with it, except that they will throw away all the benefit that would arise to the Commonwealth in the said course lands, viz^t, whole plowlands, almost parishes and barronyes. And as for the souldiers to take the same, every acre for satisfying acres, and pay quitt rent for the same, it cannot bee exspect nor required; for noe landlord can exspect more then the full worth of his land, or require of one more then he can by any meanes make, he using his best endeavours to improve it; yett will he not wholly throw the same away, though hee cannot gett what hee would.

But as concerning the letter of the Act of Parliament, touching the setting out of lands in Ireland, your lordshippes servants did and doe absolutely thinke the word unprofitable will admitt of some interpretation; not that I doe presume to give the absolute interpretation of the same, but, being a person concerned, doe humbly offer my sence concerning the same, viz^t:

Either must the Act admitt of some interpretation of the word profitable and unprofitable, or else there is very little unprofitable land in Ireland, if any; for that is only barren that beares nothing, or that only unprofitable which is good for nothing. And if this be all that the said Act of Parliament will hold, in that case then I dare engage to find out, of the lands admeasured for the souldiers and adventurers, above three or four hundred thousand acres of land that shall bee absolutely profitable, according to that sence, more then is now returned. But, as aforesaid, I did and doe judge that those very words of the

Act

Act will admitt of interpretation, therefore, and for the reasons before mentioned, I proceeded in that method as wee have made our returns to your lordshipps, and not, as some did and doeth alleadge, that wee have made these values for fear of the souldiers, and that wee durst doe noe other. And others doe informe your lordshipps, as I hear, that wee have done like perjured persons, only for our owne gaine. But I declare here to your lordshipps, and all the world, that the reasons before mentioned was the cause of our soe proceedings; neither did wee ever take uppon us to determine any thing, but, adjudgeing it a thing to high for us, have here given a true description of the said county, and have soe admeasured the same, that, however your lordshipps should doe or adjudge in the case, our worke should be and is done; for wee allwayes carefully distinguisched how much arable and good pasture and wood was in each surround, how much course, how much absolutely unprofitable, leaving the midling sort to bee judged of by your lordshipps, or whome you should appoint, and not otherwise, was clearly our intent and meaning: wee having noe rule in the case, wee could not breake any.

Therefore, I humbly crave that your lordshipps will harbour a charitable opinion of us, this being the true state of the case, whatever may be told you. And whereas itt is alledged that wee were concerned to bee paid by the thousand acres is the only cause why wee have soe proceeded, there is an instance to the contrary, for there was five barronyes of the said county undertaken by one of us by the thousand; and afterwards there was three more undertaken by the other to be paid by the mile, it being all one to him if it had been all profitable or unprofitable. And when he came to the countrey, he went about his worke, and had done, with himselfe and asistants, most of his worke before wee saw each other, or did advise by letters or councill together, as was before exprest, but, being surrounded with the same difficultyes, was forced to walke in the same path, and make a true admeasurement of every kind, and submitt to better judgement to determine.

I was thinking to have cutt of by line some of this course or midling sort of land, and call some profitable and some unprofitable, but that itt is generally of one kind of soyle in one denomination; and to have cutt the same in parts, and call one part profitable and another part unprofitable, they being alike in quality, or neer, would have been ridiculous, both to your lordshipps and the souldiers; and to throw it wholly away wee could not, neither return it as satisfying acres.

O 2

Therefore,

Therefore, all wee could doe was only to present the true state of the case before your lordshipps. And although wee are soe much blamed for valueing of lands, and the returne of the civil survey is commended, because they sett downe pasture, how much really profitable, and how much unprofitable, and have sett downe the quality of the profitable, vizt, arable and pasture, &c. But if the very persons that made the said returnes should bee desired to shew their 10, 20, 30, or 400 acres, &c., of good pasture land, which they sett downe in most of the townelands that are course, they cannot shew it, nor in any way demonstrate, but must bee forced to say wee could ten or twenty acres to be worth one; or else as if a man would cut a piece of cloath in two, and call one good and the other bad, though both be one, which would be ridiculous, as aforesaid. Soe they call such a corner that is neer their dwelling profitable, and that which is a little further of unprofitable, though the same in quality; soe that the civil survey doeth as wee have done, though not declared the same. But if wee had done as they, and that soe generally, it would have been required that wee should scituate the severall quantities, which they in the civil survey cannot doo; neither could wee, if wee had done as they did.

Now wheras many things hath been alledged against us, itt may bee that these my proposalls may be supposed that I was incited or moved by the soul-diers to doe it; but doe here declare ingeniously that, directly nor indirectly, either souldier or any instrument for them did ever move me to this or any thing else that I have done concerning the premisses, in my returne or otherwise; but what I have done was, to the best of my understanding, to discharge a good conscience in it, as I have grounds to believe M^r Humphreys did; soe that I think wee are not blameworthy, but ought rather to be considered, having the most intricate piece of worke, and spent more time then any, and worked as hard as any, and was at more charges then any admeasurers in Ireland. Indeed, wee were noe otherwise then slaves, our wages not bearing our charges by many pounds, and for all our care and diligence cannot please our masters. If a torment had been invented, never could have been greater, short of death, for wee have lost our time, and men doe their endeavours to take away our good name, and all this while wee are cleare, as wee hope your Lordshipps will now be satisfyed; and will see an absolute necessity in finding out a meanes betwixt the two extreames in setting out lands in Kerrey. Hoping your Lordships will take the premisses into seriose consideration, as much hath been
said

said against us, that you may consider the little causes given by us, if their be but a right understanding of our proceedings; and where I have done foolishly or ignorantly in these my proposals, I pray you pardon mee, for presumptuously I have not done it to offend you in any thing, and hoping you will soe adjudge of mee,

Your Lordshipps humble Servant to my power,
LEWIS SMITH.

Dubl. ult. Junii,
1656.

TO HIS HIGHNESS THE LORD PROTECTORS COUNCILL FOR THE AFFAIRE OF IRELAND.

The humble Addresse of the Agents of Leinster and Ulster.

Whereas severall attempts have been made for an accommodation betweene Munster and the other two provinces, which have been rendered ineffectuall, as wee conceive by the Munster lott, yett because wee are sensible they will be apt to charge the same upon us, and that hereupon will arise new disputes, to avoid further delay, that wee may returne to our respective charges, wee take the boldness humbly to withdraw ourselves from this argument, and insist upon the Act of Parliament, by which we ought to have full satisfaction for our respective arreares at the Act rates, and by the land ought to be sett out by lot, which lott was drawne by order and approbation of the Commissioners of Parliament, in pursuance of that Act of Parliament.

Thus wee have removed the delay now put upon the subdivision from our doores, and doe not hold ourselves obliged to medle any further therein, then humbly to demand our due and full satisfaction for our arreares, and to bee ready to receive the same according to law, lott, and rule, which wee are well assured is your honoures intention towards us.

RIC. FFRANKLIN.
WM. PUREFOY.
PET. WALLIS.
HEN. FLOWER.
H. HURD.
J. RAWLINS.
JO. WARREN.
ED. WARREN.

DAN. AXTELLE.
JO. DISBROW.
RIC. PRESTON.
DAN. REDMAN.
ROB. SMITH.
WM. LOWE.
JA. STOPFORD.
JO. GALLAND.

The

The Proposalls of the Munster Agents to those of Leinster and Ulster, rejected by them, and now humbly presented to the Councill.

That the first exspedient of the committee of the Councill may stand, viz^t, the laying aside of Dunkeron and Iveragh, wee being concluded to wave the laying aside of Glanneroughty, if the agents of Leinster and Ulster wave the laying aside of Duffry, Ossery, Orier, Ffewes, and Cremorne.

That if this is not admitted, Dunkeron and Iveragh being wholly layd aside, then wee doe offer that, if the agents of the two provinces stand upon the laying aside of Duffrey, Ossery, Orier, Ffewes, and Cremorne, that those severall barronyes of Duffrey, &c., excepted against by them, shall be accepted of by the agents of Munster, to satisfie the debt of that province att the Act rates, soe farr as they will goe; and some barronyes of Munster, that the agents there have made noe exception against, shall bee given to the agents of the three provinces in lieu thereof, that shall satisfie the like proportion of debt; and in the ex-change, the barronyes of all three provinces to bee accepted of at the Act rates.

Signed by order of the agents of Munster,

HIE. SANKEY.

2^d July, 1656.

By all which it appeares—

1st. That the army and Councill became content that the land should bee sett out by Dr Pettyes Survey, after they had just then spent much time in examining of it.

2dly. That the Doctor was in such creditt with both, as to bee appointed a trustee for distributing the whole; and when three of six were left out of a new commission, dated 7th of July, 1656, hee was one of the three that remained in the employment. The which, with the desire of many principall persons in December last, that he should finish the survey of all Ireland, and Lewis Smiths patheticall, though plaine, narrative aforementioned, I conceive to be a fair answer of that second and great clamour, though the same yett remaine with some spitefull and ignorant persons, deafe adders, that will not hear, though they bee charmed never so wisely, and with such whome brayeing in a morter will beat noe reason into.

CHAPTER

CHAPTER XI.

IMUST now goe a little backewards to relate how this survey was examined. In order whereunto I must begin to tell you how, in the beginning of March, 165 $\frac{1}{2}$, the Dr^r brought in an accompt of his undertaking, with the following petition and proposalls thereupon:

**TO HIS HIGHNESS THE LORD PROTECTORS COUNCILL FOR THE AFFAIRES OF
IRELANDE.**

The humble Petition and Proposals of Dr William Petty.

Having, by the blessing of God, brought the worke of the surveyes by me undertaken soe near to an end as concernes my engagement, or the reason of the said worke, and having many poor men now out of employment, dayly calling upon me for a final determination of their accompts, in order to a full satisfaction of their wages, and allsoe for taking up their respective bonds and freeing their security, desire as followeth, viz^t:

1st. That your honours would direct what kind of vouch or approbation will bee fitt to be affixed unto the said worke, soe as to make it a ground whereupon to satisfie the arreates of the army, and an authentique record to posterity, and att what time the said vouch shall be soe affixed, viz^t, whether before the army be put into possession, or not untill the time allowed for excepting against the said admeasurement bee exspired, and all errors and omissions discovered betweene this and then corrected in the said survey, and untill that each lott can bee allsoe exspressed therein, &c.; and your petitioner being at present ready, Ffirst, to give in a certificate, signed before wittnesses, from each surveyor, having been first sworne for the trueth and sufficiency of his respective worke, the same being annexed to the printed instructions which he received from your petitioner for doeing the same; 2dly, to give in a certificate under the hands of such persons as examined the said worke, and who made up the fair bookees and plotts now to bee delivered in, attesting the said worke hath been well and sufficiently performed. 3dly. Your petitioner himselfe will,
under

under his hand, owne the said instructions, and the sufficiency of the said measurers, as alsoe the sufficiency, diligence, and integrity of each of the said examiners, for ought hee could ever heare or find to the contrary: all which, together with the offers hereafter tendered for the repairing of omissions and correcting errors, is humbly conceived an higher satisfaction then ever, for ought appeares, was given or required in the like cases before.

2dly. As your petitioner desired to know how and when the surveyes shall bee vouch'd, soe alsoe he further desireth to know when they shall bee absolutely delivered into the Surveyor-Generalls office, humbly offering that, in case itt shall not bee thought fitt to deliver them up untill all the abovementioned particulars bee fully perfected, and that duplicates according to the most corrected copies be given out to the souldiers, according to agreement, which can not bee done for severall monethes yet to come, to furnish men well versed in the said surveyes, who for a reasonable allowance shall from time to time give the Surveyor-Generall satisfaction to any matter contained in the said surveyes, whereunto alsoe himselfe or instruments may have free access upon all occasions.

3dly. Your petitioner humbly prays that noe dubiouse exspression in his articles may bee used to retrench any part of his pay due according to the rates of the respective place of the survey of any lands actually by him admeasured, altho since suspended or reserved from being sett forth, nor for the survey of lands which, altho they were not in the abstracts of the civil survey, yet, being uppon other information suspected to bee forfeited, were admeasured at the petitioners charge, for noe other imaginable reason then the advantage and service of the Commonwealth only; fforasmuch as your petitioner, by receiving and distributing orders concerning such suspensions and other alterations, hath been at more labour and trouble then the actually setting out of the said lands unto the souldier would have required, and since those, for whose behoofe such dubiouse lands were admeasured, to wit, the army and the proprietors, for whose benefit they were reserved, as alsoe your honoures, who have still hereby the knowledge of such lands, may altogether better bear the said loss then your poor petitioners who receiveth noe kind of advantage thereby.

4thly. Your petitioners, as in duty bound, and that a worke of soe great charge and consequence may not remaine imperfect in the least materiall point, doth humbly mind your honoures that his instruments have fallen into severall unavoydable omissions, sometimes in not distinguishing betweene publicke de-nominations,

nominations and proprieties, through the want of meeresmen, or through the obscurity and faults of the abstracts delivered unto them, being only breif lists of the lands to bee admeasured, with the names but of part of the proprietors unto whome they belonged; and sometimes by not distinguishing the quality, by reason of the dubiouse and intermixt nature of the land itt selfe, or the innacessibleness thereof, by being overflowne, &c., as alsoe for want of information in wast countreys, and of such light from the civill survey as might have been afforded unto them for the reparation of all such the said omissions as are necessary and possible to be repaired: your petitioner doeth freely offer that, your honoures finding meeresmen, and bearing but the travailing charges of the worke-men, he will doe the rest att his owne charge, provided his other grieveances bee considered, and a list of the said omissions bee delivered unto him this ensuing summer.

5thly. Although your petitioner bee conciuose of noe one matteriall error in the whole admeasurement, yett in order to the satisfaction of the complaints, how causeless soever, made against itt, hee humbly propounds, 1st. That fforasmuch as care hath been taken to instruct the workemen and to adjust the instruments used in this survey, as alsoe that the severall measurers having beeene sworne, and vouched their respective worke, the which hath been examined by impartiall and able men, noe impeachment be admitted against itt, unless grounded upon a readmeasurement depending uppon the like causes of truth and sufficiency with this survey of your petitioners, and made with the same mearesmen, or by traceing the same marks and holes upon the land. 2dly. Upon such an impeachment your petitioner further desires that the party complaining may give bond to save your petitioner harmlesse in case the said complaint be causeless or grounded rather upon the complainants mislike of the quality of his land then the measurers mistake in the quantity. 3dly. That there be three sett times appointed for making these reviewes, viz^t, May next, October following, and Aprille come twelvemoneth, that the same may be feaseable to your petitioner, and not in the winter time, to the prejudice of the Commonwealth. And uppon these equitale groundes your petitioner shall send backe into the ffield, the complainant advanceing one halfe of the charge and your petitioner the other.

6thly. That your honoures would appoint unconcerned persons to consider how farre your petitioner is obliged, either by his contract or in equity, to the

double laboure of a particular subdivision after his first survey hath been wholly and long since ended for the most part; and, however the same shall bee concluded, your petitioner humbly prays that, for the honour of the State, the accommodation of the army, the feaseability, if not the facillity of the worke, the subdivision, both of the grand and of particular lots, may be more regularly managed then heretofore, both as to the method and the time of finishing and concluding the same, without which all persons concerned therein will bee involved in endless controversies and attendance, your honoures dayly disturbed with petitions, the survey rendered fruitless, and the plantation of Ireland retarded.

7thly. Your petitioner humbly prays that a particular remonstrance of his extraordinary grieveances and sufferings through the whole course of this worke, whereof he hath hitherto made a hard shift to bee silent, both for the good of the service and the ease of your honoures, and alsoe of his extraordinary services over and above his obligation, may be considered in honour and conscience, by remitting the moneyes formerly paid for the late gross surrounds, and by granting him one penny per acre for the lands admeasured in the county of Dublyn, Carlow, and the reserved part of Corke, as allsoe for the church lands, to bee paid by the next that take them, for setting out of the said lands unto them; the same being as necessary and more difficult then in any other place where the said allowance is made.

8thly. If there bee any other objection against your petitioners wages or worke then what hath been candidly abovementioned by himselfe, hee desireth the same may bee made knowne unto him, whilst his instruments have yet some dependance upon him, and that he may be forthwith admitted to pass an absolute accompt for such worke as is fully prepared for that purpose, for satisfaction of those as stand bound with him, and for the speedy easing of your poor petitioner, at least from some part of those dangerouse engagements where-with hee stands entangled.

9thly. And lastly, your petitioner, having received very litle money uppon this vast worke, but engaged himselfe into debts all over the nation, to let your honoures see how really hee ever intended to serve the publique in this undertaking,—againe, having att this time worke done for above 5000^l more then he hath received pay, and been hitherto content with base money, received in a most troublesome and dangerouse manner,—doeth now humbly pray that he
may

may forthwith receive 3000^l, whereby in some measure to stopp the clamoures, for the present, of some hundreds of poor people; and that the remainder bee paid him at Dublyn, in good sterling money, according to the contract; soe that your petitioner, after the many dangers and vexations he hath night and day all along endured, bee not at last rewarded with ruine and calamity.

Whereupon the Councill issue the following order, viz^t:

By His Highnesse the Lord Protectors Councill for the Affaires of Ireland.

Whereas Dr William Petty hath tendered unto this board an accompt of his proceedings of the downe survey of the forfeited lands, both profitable and unprofitable, within the baronyes of the ten halfe countyes appointed by lott for the satisfaction of the arreares of the officers and souldiers in Ireland mentioned in the late Act for satisfaction of the adventurers and souldiers, and of the downe surveyes of the countyes of Wexford, Wickelow, Kilkenny, Kerrey, Longford, Corke, Kildare, Tyrone, Derry, and Donnegal, being the additionall security appointed towards satisfaction as aforesaid; as alsoe of all the forfeited lands not yet disposed of or sett out within the counties of Dublyn, Carlow, and the remaining part of the county of Corke, and of all crowne lands and lands formerly belonging to the archbishopps, bishoppes, deanes, deanes and chapters, or others of that hierarchy, within any part of the said countyes; the Councill, having taken the same into consideration, doe hereby order that Collonell Hewson, Collonell Sankey, Collonell Lawrence, Major Morgan, Benjamin Worseley, Esq., Major Symner, Captain Webb, and Captain Mullineux, doe, uppon Thuesday, the 11th instant, att nine of the clocke in the morning, attend the committee of the Councill appointed to consider of the said accompt, att the Councill chamber, to the end that then and there the articles of agreement made betweene the Commonwealth and the said Dr Petty, for performance of the said downe admeasurement, may be perused, and a serious view taken of the originall and other plotts and ffield booke, with what else relates thereto, and that, by comparing the said downe admeasurement with the civil surveys made concerning the said forfeited lands, and examining such part of the premisses as they shall thinke fitt, they, the said committee of the Councill, with the help of the said asistants, may from thence, and by such other wayes and meanes as shall bee found exspedient, informe themselves concerning the true performance, method, and usefulness of the said downe survey, for answering the ends of that under-

taking, and, upon the whole matter, bee enabled to report unto this board whether, *re vera*, the said Dr hath performed the severall parts of his agreement, whether there bee any failure on his part, and wherein; and to offer further what they conceive necessary touching the same.

Dublyn Castle, the 10th of March, 1655.
THO. HERBERT, *Clerk of the Councill.*

On the 11th of March, the abovementioned referees mett at the Councill chamber, whether the Doctor brought above fifty surveyors, soe as any of them might protract, *ex tempore*, any ffield notes that should unawares to him bee called for, that itt might appear that the same ffigure arose from such protraction out of the field notes, as had been before exhibited in the respective plotts, and that the joining and comparing of common lines might bee tryed.

The whole morning was spent in discourses uppon the best, speediest, and surest method whereby to make the intended examination; Collonell Thomlinson being, *pro re nata*, in the chair, as one who tooke a more speciall care for the punctuall peformance of the worke, as well for the Dr^r creditt and security as the States advantage: the result of all being what is exspresed in the following order, viz^t:

By His Highnesse the Lord Protectors Councill for the Affaires of Ireland.

Whereas Dr William Petty hath tendered unto this board an accompt of his proceedings upon the downe survey of the forfeited lands, both profitable and unprofitable, within the baronyes of the ten halfe counties appointed by lott for satisfaction of the arreases of the officers and souldiers in Ireland, mentioned in the late Act for satisfaction of adventurers and souldiers; as alsoe of the downe surveyes of the countyes of Wicklow, Wexford, Kilkenny, Kerry, Longford, Corke, Kildare, Tyrone, Derrey, and Donnegal, being the additionall security appointed towards satisfaction as aforesaid; and of all the forfeited lands not yet disposed of or sett within the countyes of Dublyn, Catherlogh, and the remaining part of the county of Corke; and of all crowne lands, and lands formerly belonging unto archbishopps, bishoppes, deanes, deanes and chapters, and others of that hierarchy, within any part of the said countyes: the Councill, having taken the same into due consideration, have thought fitt, and doe hereby order, that Major Anthony Morgan, Major Symner, Captain Mullineux, and Captain

Captain Webb, or any three of them, bee and they are hereby appointed a committee to conferr with the said Dr Petty concerning the same; and they, or any three or more of them as afforesaid, are to examine by the best wayes they can into the trueth of the originall ffield bookees and plotts relateing thereunto in the said Dr^s custody; they are alsoe to enquire into the true performance of the exact method and keeping the said field bookees, and such otherway as they shall conceive fitt for the better examining and checqueing the worke, either by joyning the common lines of severall mens workes, by reprotracting each line and angle according to the originall ffield bookes, or by comparing of each surround with the abstracts and catalogues of lands to be surveyed; they are to cast up and recast the contents of every surround, and in such parts as they may conceive exspedient for exsperimenting the truth of the said Dr^s undertaking; and to make the best discovery they can of the perfection of the said admeasurment and satisfactoriness thereof; and likewise to observe what imperfect worke hath been made and rejected. And the said committee are desired to sitt upon this business *de die in diem*, soe as they may report their proceedings, to this board by Thuesday next, being the 18th of this instant moneth, or before, if possible; the speciaall care hereof being recommended to Major Morgan.

Dublyn Castle, the 11th of March, 1655.

THO. HERBERT, *Clerke of the Council.*

The which order was corroborated with the other order following, that Mr. Worseley might miss of noe opportunity to trye the performance most effectually.

By His Highness the Lord Protectors Councill for the Affaires of Ireland.

Whereas, by an order of this board, Major Morgan and others are appointed as a committee to consider of the downe survey of the forfeited lands in Ireland undertaken to bee admeasured by Dr William Petty, whereof a particular ac-compt hath been by the said Doctor tendered unto this board accordingly, as alsoe what they found upon the perusall thereof concerning the truth of his proceedings therein, and of the satisfactoriness thereof for publicke use, according to contracts:

Itt is now further ordered, that the Surveyor-Generall of lands doe, according

ing to the duty of his place, attend there in the behalfe of His Highness and the Commonwealth.

Dublyn Castle, 13th of March, 1655.

Tho. HERBERT, Clerk of the Councill.

The which two orders were answered with the following report:

To His Highness the Lord Protectors Councill for the Affaires of Ireland.

In obedience to your Lordshipps reference, bearing date the 11th of March, 1655, wee have mett and considered of the matter therein contained, and have proceeded as followeth:

1st. Wee have considered the ability of the persons employed in the field worke.

2dly. The instructions given them.

3dly. The method of the ffield bookes.

4thly. The way of protracting and casting upp.

5thly. What cheques were appointed for the said worke.

In examination of the first head, viz^t, the abilityes of the persons employed in the field worke, wee find that many of the persons who were therein imployed were persons who till that time had never been imployed in a worke of that nature, and not able to protract their owne worke, but only delivered up their field bookes to bee protracted and cast up by others.

To the 2d head, touching the instructions given, wee doe not find them short of the instructions required by the contract twixt the Commonwealth and Dr Petty.

To the third, viz^t, the method of the ffield bookes, wee find the method suitable to the performance of a worke of this nature.

To the 4th head, viz^t, the way of protracting and casting up, we find that where such persons were imployed who could not protract their owne worke, others were imployed with them, to receive their ffield bookes and protract their worke in their presence.

To the fifth head, viz^t, what cheques were appointed for the foregoing worke, we find that eight persons, whose ability wee have examined, doe offer to depose uppon oath that they were employed as comptrollers of the foregoing worke, by yearly salary; and that, to the best of their care, skill, and knowledge,

they

they have examined the said worke, by joyning the common lines of severall mens worke, by reprotracting each line and angle according to the originall ffield bookes, comparing each surround by abstracts or catalogues of lands to bee surveyed, received from the Surveyor-Generall his office, and by casting or recasting up the contents of every surround; and that in order thereunto they have severall times, and as often as there was occasion, rejected such faulty worke as hath been brought unto them, and caused the same to bee corrected in the ffield and otherwise: and that they have examined the severall transcripts and copies both of the plotts and references vouched by Doctor Petty, and to be given into the Surveyor-Generall his office, and that they find them to agree with their respective originalls given in by the respective authors of them.

Wee further find, uppon perusal of the foule draughts of the originall mapps, that severall faults in the ffield worke of less moment, being found out by the said checque, are recorded in order to amendment at the subdivision.

Wee alsoe find that D^r Petty tooke bonds of such as he employed to survey, the condition whereof was, that they should well and truly performe the said survey, according to the instructions given them: from whence wee judge it was as cheap to him to reject as admitt faulty worke.

To conclude, wee humbly offer as our opinion, that noe other test can bee made of the said survey by the inspection of ffield bookes, plotts, books of reference, instructions, books of abstracts, &c.; but that what soever faults may lurke in the said worke can bee noe otherwise found than by the care of the respective persons therein concerned, which nevertheless wee humbly submitt.

ANT. MORGAN.

SAM. MOLLINEUX.

WILL. WEBB.

The said referrees having, *viva voce*, examined severall of those ffield and house workers, who have signed the certificates above mentioned in the chapter of this discourse. After this examination, the Surveyor-Generall thinking another kind of examination further requisite, as alsoe to audite the accompt of acres admeasured, there issues the following order.

By His Highness the Lord Protectors Councill for the Affaires of Ireland.

Ordered,

That Benjamin Worseley, Esq., Surveyor-Generall, doe forthwith take care
for

for the examining and casting up of all the severall plotts and bookees of reference returned in by Dr Petty of the survey of the three provinces, and doe see that the same bee duly perfected and returned according to the articles of his agreement or contract, or otherwise to state and present the deffects of the said survey to this board. For the better performance and dispatch of which examination, the said Surveyor-Generall is to employ soe many able and discreet persons as hee shall thinke fitt, not exceeding the number of four, and to give to the said persons such allowances for the same as hee shall thinke fitt, not exceeding ten pounds to each of them. For the doeing of which this shall bee your warrant.

Dublyn Castle, the 15th of May, 1656.
Tho. HERBERT, *Clerk of the Councill.*

Now, fearing least this scrupulouse examination should prove excessive tediousse, it was desired that the Surveyor-Generall, before the said order, would dispatch the same in about three moneths time, to the end neither the army should stay for their satisfaction, which was not to bee given them upon an unaudited unallowed survey, nor the Doctor bee needlessly retarded in the passing of his accompts; whereupon he caused four assistants, with ten pounds reward to each, to bee allowed, and gave the following engagement before he received the last mentioned order.

I doe hereby promise to dispatch and pass all such examinations and states relating to the bookees and plotts of survey to bee exhibited unto mee by Doctor William Petty, as I shall thinke fitt to make uppon the same, either as Surveyor-Generall or as a contractor with the said William Petty, by or before the fifth day of July next after the date hereof; as wittness my hand this 21 of March, 1655: provided the said Doctor bring in the said bookees by the fifth of Aprill, or otherwise: as I shall desire.

BENJ. WORSELEY.

But it was the eighteenth of August before he had examined some of all the severall sorts and species of the worke, thereby to have a knowledge of all the faults and defects which possibly could happen therein, att which time hee gave in the following report, referred to a grand committee for their consideration.

In obedience to your Lordshipps order for requiring me to report the state of the examination of Dr Petties surveyes, with what defects I find in the said survey,

survey, in reference to the particulars undertaken by the said Doctor, as likewise to report what things remaine still to bee performed by the said Dr^r, for the finall compleating of his whole contract with the Commonwealth, I humbly certifie as followeth.

That being, by your Lordshipps order of the fifteenth of May last, authorized and impowered to employ soe many able and discreet persons as should bee thought fitt for the better performance and dispatch of the examination of the said worke, I, having conferred with the said persons, and perused severall of the notes and observations taken by them, doe find this accompt ensuing to bee given, viz^t:

1st. They doe certifie that, in examining the same, they doe find the severall lands are returned by the said Doctor in some of the said baronyes, for which there appeares no voucher, either in his abstracts or in the booke of the civil survey.

2dly. That whereas the said Doctor was by his contract to admeasure all lands into its lowest denominations, yett wee find severall denominations to have been admeasured in one surround together, without being distinguished, either in their meets, bounds, or contents, one from another.

3dly. Whereas the said Doctor was by his said contract obliged allsoe to sett downe all particular proprieties within any towne land or other denomination of land, to the end the quality of each particular mans estate forfeited may bee knowne; yett they find severall lands admeasured belonging to diverse proprietors, the estate of each of which proprietors are not at all distinguished, either by admeasurement or by estimate.

4thly. That they, in examination of the said returne, doe find that some towne lands have been admeasured, which are partly forfeited and partly unforfeited, and yet the whole surveyed and put into the creditt without being distinguished, or any deduction made for the said lands unforfeited.

5thly. They find much defect in the particular surveyes and returnes of timber wood.

6thly. They find severall commons to bee surveyed and returned in the creditt, belonging partly to lands forfeited, and partly to lands unforfeited, and for the survey of which there appeares noe vouchers in the abstract.

7thly. They find many parcels of lands returned for unprofitable lands under five hundred acres, which lyes together, but are separated by lines, or

are joyned with other great parcells of land which are wholly unprofitable, and, being added together, are above five hundred acres.

8thly. They find large scopes of land returned partly profitable, partly unprofitable, where there is noe manner of distinction or possibility of checque to know which is either, of all which they have in the annexed paper offered some particular instances.

Besides which errors and defects in the retурне of the said survey, I find that the Doctor is by his contract bound,

1st. Actually to subdivide and sett out by the instrument to each officer and soldier the land due to them respectively, according to their respective arreares.

2dly. Carefully to retурне by admeasurement with the instrument the out-meares and bounds of all and every the baronyes within the severall countyes specified in his contract, to the end that as well the civill bounds and meares of each barony may be the better knowne and preserved, as that perfect mappes may be had both of the said countyes and baronyes.

3dly. To deliver into the Surveyor-Generall his office particular platts, with bookes of reference fairly engrossed belonging [to] the said platts respectively of all the lands admeasured by him, noting and mentioning likewise all such subdivisions of lands as shall bee made to each particular person.

4thly. That he is by the said contract to deliver the platts and bookes of all crowne lands, and of all lands belonging to any archbischopp, or other officer of that hierarchy, distinctly by themselves, that is to say the platts and bookes of forfeited lands by themselves, and the lands belonging to the bishoppes and other officers of that hierarchy by themselves.

5thly. That besides such platts and bookes of reference returned for the use of the Commonwealth as aforesaid, the said Doctor is by his contract to deliver soe many other mappes, platte, and books of reference belonging to them, as shall demonstrate to each officer and souldier the severall proportions of lands due to them, provided noe mapp were required of proportions less than a thousand acres.

6thly. The said Doctor is by the said contract bound to reimburse and pay backe to the Commonwealth all such summ and summs of money as either had been then paid, or such other summs as might justly and lawfully bee demanded from the Commonwealth, to bee satisfied and paid in reference to a former agreement made with certaine persons for admeasurement of part of the said lands,

lands, to be surveyed by the said Doctor, according to the nature or tenure of the said agreement.

7thly. To correct and amend whatsoever complaint shall bee made against the said survey, provided the said complaint bee exhibited within twelve monethes after subdivision is made and possession given; provided alsoe the said Doctor have three moneths time given for the correcting or rectifyeing the said error after the said complaint is exhibited.

B. WORSLEY.

18° Aug. 1656.

In answer to which report there was presented the following papers:

As to Defalcations for such Lands as have been actually admeasured, although they were not found either in Abstract or Civill Survey,

I humbly answer:

1st. That unless the civill survey should say that the lands for which payment is demanded are not forfeited, there can be noe ground for any such retrenchment, fforasmuch as such lands are either members of the forfeited lands named in the abstracts, or else concealed lands which are certainly to be looked upon as forfeited, for otherwise what reason should there bee for their concealement? and therefore they ought to be paid for as forfeited; and if it be said that those unvouched lands may be members of unforfeited, then I say that even in this case I ought not to bee retrenched untill the same shall authentically appeare.

2dly. When those unvouched lands shall appearre to bee obscure members of unforfeited lands never named in the civill survey, it was safer to presume that such omitted denominations were rather forfeited and concealed then otherwise, and it was better to pay for the measure of them then wholly to want the knowledge and cognizance of any case wherein the State may have a right of a thousand times more value then that litle charge of the measure. Moreover, if it were fitt that the surveyor should loose his gaines uppon such worke, yet certainly to loose the principles of his charge and labour thereupon would bee very hard, or to bee punished for that which more properly deserves a reward.

3dly. But supposing those lands were by name sett downe in the civill survey for unforfeited, but not mentioned in the abstracts, the cause of this innocent overacting is rather a defect in the abstract, since such mention might have been

not only easily but alsoe very usefully made, both for the avoiding of the mistakes in question, and allsoe for many other considerable purposes, rather then a punishable fault in the measurer, who had the voice of the countrey for his warrant, whereunto hee might hope to hearken almost as safely as to the abstract, which had often misinformed him.

4thly. If the measurer had not adventured in these cases, much lands returned forfeited by the civil survey had been now unadmeasured, because the abstract was by mistake silent thereof; wherefore the service which hath been done in this kind doeth expiate the overactings in question, although they were as clearely faults as they are certainly good services, and such as deserve an extraordinary encouragement.

5thly. I my selfe have been soe really convinced of the reasons of these allegations, and have soe little doubted of your Lordshipps concurrence, that I have actually paid for those unvouched lands unto all those with whome I have cleared accompts, and doe fear that, when I shall deny the same to others, that a clamour will arise thereupon, which will not stay untill it reach your Lordshipps eares and considerations.

6thly. The unvouched lands, which, althoough measured, will hereafter cleerly appeare unforfeited, are soe few, that the pay due for them will be a very trifflie to your Lordshipps, though great burden and disappointment to that poor man uppon whome the same shall fall; and, for my owne part, I have said thus much unto itt rather to vindicate our proceedings then doubting that soe many words are requisite to move your Lordshipps to soe reasonable a concession.

As to the Measuring of Commons,

I humbly answer:

1st. That most of them were in the abstract.

2dly. In commons partly belonging to delinquents, and partly to Protestant proprietors, the States interest can not bee knowne without admeasurement.

3dly. The commons measured without the vouch of the abstracts are very inconsiderable in their quantity.

As to the Undistinguishment of Timber Woods.

I humbly answer:

1st. That the omissions are not many, since I had notice that such distinctions ought to bee made.

2dly. Timber

2dly. Timber woods were never mentioned in my articles.

3dly. Itt is uncertaine how the extent of such timberwoods should bee determined or circumscribed.

As to the Undistinguiments of the Quality,

I humbly answer:

1st. That this omission hath been but in very few places.

2dly. That it did not proceed from any neglect, but from abundant of caution and tenderness in doubtfull cases, only not certainly knowing whether to call them profitable or unprofitable.

3dly. I am able and ready to make full and ample descriptions of such lands, which is all the contract requires.

As to the Distinguiments, or omitting to run Lines whereby to distinguish,

1st. Betweene one denomination and another;

2dly. Betweene several forfeited proprieties;

3dly. Betweene Land belonging to the Commonwealth, disposeable to the Army, and such as are not to bee disposed of as Crowne Lands, Church Lands, Burgage Lands, &c.;

I humbly answer:

1st. That in many of the said cases the undistinguished denominations were undistinguished in the abstracts.

2dly. The abstracts did not containe the boundings of every parcell which ought to have been admeasured, nor any other equivalent description of them, whereby they might bee found out, and distinguished one from another.

3dly. The abstracts made noe mention of unforfeited lands, which had been very usefull, if not altogether necessary.

4thly. The abstracts of crowne and church lands were in distinct bookees from those of the forfeited, nor were they delivered untill the worke was very forward. Moreover, they were very imperfect, and often very different from those of the forfeited land, contradicting each other.

5thly. The abstracts did not soe much as containe the number of the proprietors, much less of the parcells; nor could the measurer tell from whome in the countrey to aske or accept of information whereby to repaire the deficienciees of the abstracts.

In

In the next place I humbly offer:

1st. That mearesmen could not bee found, where these omissions have been made, for any part of them.

2dly. That mearesmen could not be found for the whole, and therefore in most cases itt was to noe purpose to meddle with any at all.

3dly. The meares of these small parcels lying, for the most part, in common fields, were obscure and neglected, and withall never knowne but to very few persons.

4thly. The omissions are chiefly in wast places, and when the transplantation, being most vigorously prosecuted, drove away such as might give information herein.

5thly. The want of meeresmen is rather a failer on the States part then on mine, as by the contract may appeare.

Thirdly, I humbly offer:

1st. That most of the omissions doe little prejudice either to the State or to the army.

2dly. That they litle advantage the surveyor, for where denominations are undistinguished, there subdivision is more troublesome.

3dly. Those who wrought by the mile in length, although they had noe visible temptation thereunto, were as frequent in these distinctions as those who wrought by the thousand, which is an argument that neither was voluntary.

4thly. Itt can be made appeare that more charge and time hath been spent in vaine to procure meeresmen in these cases then would have performed what is omitted.

5thly. I offered long since that if the State would bear the travelling charges of surveyors to returne backe upon the place of these omissions, and assure them of bounders when they came hither, to pay them demurrage, that my selfe would bear the charge of the worke it selfe.

Lastly, I humbly offer:

That for more extraordinary lines, viz^t, parish lines, tyeing lines, intersections, &c., have been done, to my extraordinary charge, then those for which any advantage will accrue to mee by these omissions; wherefore, since the cause of

of these omissions was in the abstracts in the meeresmen, and in the transplantation, and since these omissions have been litle prejudice to the State or army, nor any advantage to me, and that I offered a reasonable exspedient to repaire them, which was not hearkned unto, lastly, since much extraordinary worke hath been performed in lieu of them,

I humbly desire the said defects bee not charged upon me as faults; but rather such accidents and disasters as ever attend vast and variable undertakings.

The Doctor applicating the same *viva voce*, and answering to all questions propounded concerning those matters, all being performed in such manner as nothing is extant exspresseing the Councillis dissatisfaction to the Dr^r answers to Mr. Worseleys said report.

When the rest of the worke was examined as aforesaid, which was in doeing many moneths beyond the three above mentioned in Mr Worsleys engagement, and to the Doctors charge above one hundred and sixty pounds in salary to persons to attend the said examination, and when things were alsoe very near prepared to give the army satisfaction, the Dr^r applyed to the Councill to have his accompts stated, viz^t, what money was clearly due unto him, consideration being had upon as well all allowances as defalcations relateing to the contract; in order whereunto he presented a large remonstrance of his extraordinary ser-vices and sufferings throughout this undertaking, to encline the Councill to use such a tenderness towards him as he in reason and good conscience did deserve.

The humble Remonstrance of Doctor William Petty, concerning his extraordinary Grievances and Services in the Surveys of Ireland.

May itt please your Honours:

When your petitioner did first make the proposall of surveying all the Commonwealths lands in Ireland downe into very small parcels in about one yeares space, your honoures, having just apprehensions of your petitioners insufficiency for soe great a worke, seemed very indifferent whether or noe to divert that affaire out of its then present channell, or to adventure soe great summs of money as the said proposall required on your petitioners meane abilities. On the other side, your petitioner having far engaged himselfe and creditt in the ffeaseability of that designe (which your honoures, the army, and almost all others, judged

more

more necessary and honourable then practicable) was, as it were, forced, for saving his owne creditt, to undertake the same, even upon any termes of disadvantage. Upon the same grounds, even when your petitioner had contracted, he was contented to remove all obstructions hereafter mentioned with his owne paines and charge, and patiently to bear such as could not be removed, rather then decline the said worke, or retard the performance of the same by too often and too troublesome adresses to your honours for relief.

But having now, through the great mercy of God, brought the whole worke of the surveys soe near to an end as concernes either the engagement or the reason of the said worke, and that for less then 5500^l charge out of the States purse, besides the 2000^l advanced at first, whereof the greatest part was immediately wasted uppon instruments, teaching workmen, making experiments, and repairing miscarriages, your petitioner now humbly conceives it neither unseasonable nor unreasonable to make the ensueing remonstrance unto your honours of the said grieveance, nor doeth hee doubt of your tender and conশionable consideration thereof.

The grieveances of which your petitioner shall now complaine are either such as he was, for the reasons afore mentioned, forced to admitt into his contract, though contrary to the first intention thereof, or such as your petitioner could not foresee would happen in the performance of the said contract (to both which your petitioner can only implore your honours favour and indulgence), or else they are such as your petitioner hath voluntarily submitted unto, over and above his said contract and obligation, for the better and necessary answering of ends, and for complying with all the exigencies which the State, the army, your petitioner himselfe, and his instruments, have been cast into from time to time, since the first undertaking; and these are such, for remedy whereof your petitioner beggeth your honoures justice only; and that if not according to his paines, losses, and dangers, yet according to the successe and meritt of them, uppon the publique service.

And first, your petitioner sheweth, that through the backwardness of the civil survey, and want of abstracts, he was exceedingly damnifyed.

As first, that having none at all ready at the first sealing of his contract, hee, notwithstanding, out of zeale to promote the service, sett out sixty instruments to enquire of the countrey, which proved soe confused, as that the
whole

whole charge of what was done untill the latter end of Ffbruary was wholly lost.

2dly. When your petitioner did receive the first abstracts, vizt, those of Kildare, they were soe few as that your petitioner could not sett forth his instruments in the most convenient and advantagious order and method; but was forced to send soe many into one place as that one hindered the other in the worke, and many times could not set them out at all, whereby hee was forced either to lend money to such as were thereby out of employment, which hee for the most part lost, or else to loose the help and benefitt of those whome with much trouble had been instructed in the art.

3dly. Ffor want of the contents of each parcell by estimate, your petitioner could not duly proportion his instruments to each respective barrony, whereby he hath sent many men great journeys where little was to bee done, to their and your petitioners damage; and but few hands to great pieces of worke, whereby the whole hath been retarded, and others of the same company prejudiced.

4thly. Ffor want of the booke of the civill survey, your petitioners instruments had noe meanes either to checque and try such persons, who, out of lucre to get the unusuall allowance putt upon your petitioner to pay, offered themselves for meeresmen, though insufficient; or to discover such who shewed false meares, in relation to the advantage to bee had thereby in Connaught, whereby your petitioner hath been often put to the trouble and charge of two or three admeasurements instead of one.

Lastly, for want of the said booke, your petitioners instruments being alone, and strangers in a wast countrey, could not bee enabled with such hints of enquiry after the quality, meares, &c., of the respective lands, as the said booke could have furnisht them withall, without any prejudice to the Commonwealth.

2dly. Whereas your petitioners contract was allwayes intended for the forfeited lands only, yett the crowne and church lands were forced in at three pounds per thousand, although they were then charged with an incumbrance of 45^l per thousand to the late surveyors; and all this notwithstanding the said lands are in soe very small scattered parcells, that they seeme rather to require 15^l then 15^l per thousand for their admeasurement.

3dly. The abstracts of the said crowne and churchlands not comming to
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hand untill the forfeited lands, amongst which they lay, were neer finished, itt is to bee feared that the journeyes which have been made on purpose on that accompt, the charge of bounders to find out such stragling small parcells, and the attendance of servants thereon, together with the often silence of the abstracts in what parishes or townes such parcells lye, will occasion an intollerable trouble and charge, without any recompence.

4thly. The comming of orders for not measuring or suspending of particular parcells, the measuring of small discoveries after the maine was done, the mistakes of the abstracts in spelling, both of lands and proprietors names; the giving in the same land to bee in two severall barrynes or parishes, and the receiving of the instructions by peace meales, &c., doe prove to your petitioner, so streightly bound up in time, a most insupportable grievance, and such as your honours can not but, in conscience and justice, relieve; and although the contract seeme to bind in many of these particulars, yet your petitioner is informed that neither legally nor equitably itt can bind, noe more then the master of a shipp, having contracted to support [export?] one hundred tun of goods, is bound to make one hundred voyages to performe the said contract.

5thly. Your petitioner being soe closely bound up in time as aforesaid, not only by his articles, but by the exigence of publicke affaires likewise, and having noe speedy way, though allowed to others heretofore, to right himselfe of such employed by him, who, having been taught the art of surveying at your petitioners charge, and having engaged to continue in the employment on termes agreed on, have notwithstanding diserted your petitioner in his greatest streights, nor of such who have in other sences broken their respective agreements, or have taken advance money without ever goeing out upon the service, or have gone out and soon after pawned their instruments, and sometimes their worke too, and have forced your petitioner to send letters of creditt in a dangerouse way up and downe the countrey, to relieve their pretended wants, hath by all these, and many more wayes, been abused, and for the dispatch of the service been forced to pay moneyes over and over, and to furnish new instruments where others were pawned, without any further disputing the matter; moreover, where the platts have been maliciously engaged, or lost, he hath caused such worke to bee done over againe: all which your petitioner hath patiently endured without soe much as ever complaining above once, when alsoe your petitioner did at last buy out the oppositions, that the worke might not stay, nor your honoures

noures bee importuned to doe any extrajudicall actions for the advancement thereof, and your petitioners accommodation.

6thly. The effectuall pressing of the transplantation and sending away the forces for England and Scotland, about the beginning of the worke, left your petitioner soe naked of meeresmen and guards, even when the undertaking was in the bud, that thereby, and through the extreame wettness and windiness of the season, without your petitioners extraordinary care and charge, the whole worke had miscarried or been retarded.

7thly. Soon after your petitioners contract was sealed, being in the dead of winter, severall of the officers of the army, apprehending the greatness of the worke, and being earnest for possession, by importunity urged your petitioner to sett forth near sixty instruments in the said dead of winter, whereby the land being overflowne, the meeres not to be seen, the quality of the land not to be discerned, the measurers, mearers, chainemen, and spadesmen discouraged, goeing up to the knees and middle in bogg and water, the raine spoiling the instruments, together with the advantages that the former surveyors, your petitioners enemies, made thereof, and of the breach that was like to bee betweene your honoures and your petitioner about the same time, touching parcells under ffourty acres: these things, all cooperating together, lost your petitioner, in worke, workemen, and instruments, severall hundred pounds, besides the discouragement withall.

8thly. Your petitioner, observing some omissions in his contract on the States behalfe, gave out instructions to the respective instruments acting under him, as he humbly conceives, far more large and comprehensive then those contained in his owne contract, viz^t:

1st. Ffor running parish lines, where the most part of the lands were forfeited.

2dly. Ffor keeping breakings, taking notice of high wayes, rivers, mountaines, harboures, &c.

3dly. Ffor the scituatioun of townes, castles, churches, mills, raths, notable houses, &c.

4thly. Ffor the scituatioun of forfeited land in the barronyes where little forfeited land was, although the same could not bee done under tyeing lines of a mile long.

9thly. Your petitioner hath made up his platts and bookees of reference in a
R 2 way

way and method beyond his obligation, and hath alsoe made other platts and bookees for particular use of setting out land to the late disbanded forces, not mentioned in his contract, with a most difficult mapp of the whole security: in all which, to demonstrate his paines and labour, hee assureth your honoures that nineteene reames of paper have been spent to perfect three.

10thly. Your petitioner hath done the most troublesome and allmost endless county of Dublyn, and some other reserved lands, as alsoe severall liberty lands lying in many small stragling parcell; ffor the which, without your honoures tender consideration, your petitioner shall receive noe considerable or proportionable recompence.

11thly. The great earnestness of the souldiers to obtaine possession, and the severall opinions concerning lotts, and the extent of the security, &c., hath produced soe many seeming resolutions, sometimes to sett out this barrony first, and sometimes another, and uppon all those motions your petitioner having been all wayes alarmed to be ready, for the compliance therewith hath been forced to extraordinary inconveniences, viz^t, to keep men idle in exspectation of such worke as hath afterwards failed, to sett out many hands upon some one piece as hath begotten confusion and error, to give extraordinary allowance for dispatch; and lastly, through much hast, hee hath often been made to stumble and fall, but left to rise againe at his owne charge, and much of this; besides the making of the aforementioned extraordinary platts and bookees of each barrony hath been occasioned in the late disbanding: for the which your petitioner doeth humbly crave allowance.

12thly. Your petitioner, after long sollicitation, finding noe hopes of having the civill survey of the countyes of Carlow and Wicklow, hath notwithstanding adventured to survey and measure them at his extraordinary charge and hazard, to the end the season for doeing the same might not slipp and bee lost, to the prejudice of the Commonwealth and army.

13thly. Your petitioner hath been forced to accept of base Spanish money instead of the sterlinc and English money soe often mentioned in his articles, and uppon a sett debate before your honoures allowed; whereby your petitioner hath been at great loss, trouble, and hazard, insomuch as, to avoyd the danger of bad money here, he hath been forced to entrust unknowne persons in England, having no settled factor or correspondent as a merchant, with bills of exchange drawne thither for that purpose, besides the great trouble solliciting and attendance

attendance even for such as he hath received, his time being preciouse, and his occasions many.

14thly. Your petitioner doeth further humbly mind your honoures, that at the making of his contract, the intention of the army seemed to bee for goeing into possession gradually, taking two thirds, according to an order 22th of May, and other former resolutions, the which they omitting to doe hath encreased your petitioners trouble and charge above one third part, for as much as now your petitioner hath wholly wanted the asistance of the members of the army respectively concerned in each land, and hath now lyeing uppon himselfe the burden of all clamoures and suspitions concerning mistakes and errors in distinguishing profitable from unprofitable, and ascertaining bounds, &c., which otherwise had been gradually performed and settled all under one, to the mutuall content and satisfaction of the severall persons concerned.

Your petitioner humbly desires your honoures, as a motive to releive him in the aforementioned greivances and extraordinary services, to consider the many dangers whereto he hath exsposed himselfe by reason of this undertaking, as, namely, to the sad consequences of a change of government and of chief governours, change of the whole designe, want of money in the State, bad money, mistakes in his accompts, having to deale with soe many persons about soe many severall things, law suites uppon the misunderstanding of any of the many contracts and agreements which he hath been forced to make under hand and seale, new commotions, taking of his instruments by toryes, unfittness of the weather, mislaying and spoylng of plotts and papers, sickness of his servants in salary, the negligence of some and the unfaithfullness of the others, extraordinary contingent charges, the hazard of his friends and security, the utter loss of his creditt in case of miscarriage, causelesse clamoures at all hands, the envy and ill will of the late surveyors, the averseness of guards and bounders, continuall feares and vexations; the most part of all which, with many others, your petitioner hath actually endured, even from the beginning hitherto; all which your petitioner hath and must undergoe for a gaine not greater then merchants usually makes upon one single bargaine without trouble: besides may it please your honoures to remember how moderate a reward your petitioner propounded for doeing the whole on the States accompt.

2dly. And as another motive, your petitioner desires your honours to consider at how low a rate this worke is done out of the States purse, viz^t, not exceeding

ceeding 35^o per thousand for forfeited lands; and if but full allowance were made for the barony lines, crowne and church lands, as alsoe for the county of Dublyn, libertyes of cities, &c., according to their respective worke, your honoures are not at 25^o per thousand charge for all the forfeited land, one with another, measured by your petitioner in this most exact way.

3dly. Moreover your petitioner desires your honours to consider that the contribution of 4^l 3^s 4^d per thousand from the army was propounded and pro-cured by your petitioner, and that therefore, having done such a service in pro-curing the wages as well as performing the worke, hee humbly craves releife in the aforementioned particulars:

4thly. Your petitioner humbly intreateth your honoures to thinke how hard a case itt is, that the reimbursement of a litle money paid to the late surveyors should bee required from your petitioner; whereas it was never knowne but, in new and difficult designes, something must bee lost in making of tryalls and exsperiments to find out the best way.

Lastly, this craving of extraordinary considerations in these extraordinary cases is noe more then what your petitioner hath without importunity afforded almost unto every man that hath beene employed under him, uppon farr less grounds; hee having severall times allowed even double to his agreement, and that even after the service was finished, when hee had noe kind of constraint upon him soe to doe.

Whereupon their Lordshipps granted the following order:

By His Highness the Lord Protectors Councill for the Affaires of Ireland.

Whereas by an order of this board, dated the 15th of May last, the Surveyor-Generall of lands was required to take care for the examining and casting up of the severall plotts and bookes of reference which were returned in by Dr William Petty, concerning the surveyes of the three provinces, and to see that the same were duly perfected and returned according to the articles of his agreement or contract, or otherwise to state and present the defects of the said survey unto this board; and for the better performance and dispatch thereof, the said Surveyor-Generall was thereby impowered to employ soe many able and discreet persons as he should thinke fitt, not exceeding the number of four, as by the said more at large appeareth; and whereas the said Surveyor-Generall hath, pursuant thereto, in August last, presented unto this board his report concerning

concerning the state of the examination of the said Dr Pettyes survey, with what defects he had observed in reference to the particulars undertaken by the said Dr, and what still remaines further to bee performed for and towards the finall compleating of his whole contract with the Commonwealth, itt is thought fitt and ordered that Captain Stephen Allen, Richard De Lawne, and William Hopkins, or any two of them, being the persons appointed by the Surveyor-Gene-
rall to examine the platts and books of references returned by the said Doctor Petty, of the severall barronyes by him admeasured for the army, and to compare the same with the particulars of his contract, and other instructions, pur-suant to the order above-mentioned, doe, by Wensday next, in the afternoone, prepare and attend the board with a perfect and particular accompt of the con-tents of the respective barronyes which the said Dr hath admeasured with the instrument, according to the tenor of his agreement, for the consideration of this board, in reference to the order abovementioned. Dated at the Councill chamber, Dublyn, the 7th of November, 1657.

THO. HERBERT, *Clerk of the Councill.*

When the accompt above mentioned was neer finished, before it came to the auditors to be cast up into money, the Dr did, by the Councells command, di-gest his humble desires in order to a finall stating of his said accompt into six heads set forth in the following paper:

1st. That your Lordships would bee pleased to declare your acceptance and allowance of my survey as having been well and sufficiently performed.

1st. Because the worke is vouched by the oathes and certificats not only of the measurers themselves but allsoe of certaine examiners noe wayes concerned therein.

2dly. Because the said worke hath been managed by full and perfect in-
structions, and by rules and a method whereunto nothing could bee added, even by the Surveyor-General in this latter undertaking of the adventurers, the
which were all followed and practised, as none of the surveyors now employed on the adventurers lands could deny, who, being bound to noe more then what was formerly practised upon my owne accompt, would not have borne any such new and unpractized impositions.

3dly. Upon

3dly. Upon the 11th of March last I brought neer fifty of my workmen and eight of my examiners to appeare before a grand committee of the Councill, assisted with the cheif officers of the army and severall able, though prejudiced, artists, which workmen were actually and extempore to try and prove any piece of worke which should bee called for out of the whole, and *viva voce* to answer unto any defect of the same.

4thly. The same examination being afterwards againe more particularly referred to a speciall committee of able artists, though prejudiced persons, and even my competitors in the same business, itt was by them reported that the worke had been managed with all possible care and security, and with all the causes of certainty and sufficiency imaginable.

5thly. The worke hath alsoe been every day for above six moneths under another kind of examination, which hath cost me above one hundred pounds to attend upon it, the report of which examination, made by the Surveyor-Generall in August last, I then answered from point to point, I hope to your lordshipps satisfaction.

7thly. Allthough the like examinations were never imposed upon any of the severall surveyes immediately preceeding mine, neither was any security required besides the measurers own oath, nor noe audite of his accompt but his owne subscription, nor noe punishment or correction of errors but to repay the money which hee should have received for more acres then really there were when such error was discovered, yet I never refused to give any satisfaction that ever was demanded, how impertinent soever I myselfe knew the same to bee.

8thly. In the late competitions about undertaking of the adventurers survey all my men at one time or other endeavoured to defame me and my performance, and withall ript up whatever they knew of miscarriage either in me or in one another, carreying their accusations to the Surveyor-General, whome they supposed to bee my enemy; in all which nothing whereof I am ashamed hath been produced or made good against mee, nor was any suspition but soe much as hinted at which I have not since provided for by extraordinary security.

9thly. When in the beginning of March last I exhibited this my survey, desiring an absolute accompt and satisfaction for the same, it was denied me, untill, by the aforementioned examination, my worke should bee found practiseable; wherefore now the whole end of the said survey being fully atchieved,

I hope

I hope it will be admitted as practiseable and sufficient, since it hath been actually and without exception practised, by setting out of the lands thereby.

10thly. The fforces disbanded in September, 1655, have now been above twelve moneths in posession of their lands: in all which time noe man hath complained of more then one error which hath deserved redresse.

11thly. Your Lordshipps employing me againe is, I hope, as full and reall an acknowledgement of my works sufficiency as I can desire, though, perhappes, not soe formall as is necessary.

12thly. And notwithstanding there should bee many errors and defects in the said worke, yett indulgence and connivance can never better become any service then this, which, being thought a seaven yeares worke, was finished in one, notwithstanding the greatest hindrances and oppositions that ever attended any of the like nature.

2dly. I humbly desire that my security may bee released in March next, or thereaboutes.

1st. Because, althrough I am to answer such complaints as shall bee made within twelvemoneth after possession, which is not yet given universally, yett it was allwayes intended that downe admeasurement and possession should goe together; but the said downe admeasurement was all furnished by March last, and therefore by the intention of my articles I am to bee released in March next.

2dly. The time which is yet like to remaine betweene that of possession and March next, being neer four moneths, is long enough to find out any fault, where there are soe many thousand to seeke it, and such as will spare noe paines to find it; neither was soe long a time as twelve moneths pitched uppon as necessary for that purpose, but by way of provision for those hindrances and delayes which have since appeared.

3dly. If I am not to be then released, I am bound *ad infinitum*, that is *ad impossibile*, which can not bee understood; ffor if any one of the many thousands with whome I have to deale shall either be hindered in or neglect his possession, I and my security must remaine bound untill twelve moneths after that unlimitted delay, which I hope was never intended.

4thly. I have, for doeing the publicke service, and for that only, made my selfe many enemyes, who at one time or other, if the conclusion of my business

bee delayed, may find an opportunity to effect some mischief against mee, unto the danger whereof I have noe reason to exspose my selfe without cause.

5thly. Itt can not bee exspected that I, for answering of uncertaine complaints, should keepe all the men that ever I employed in readiness uppon such occasions, they who did any defective worke being best able to correct it, unto soe unlimited a time, especially since, neither by the number or nature of the errors which have been detected in the farr greater halfe of the worke, there ap-peares any necessity of such an exspectation.

Whereof I humbly desire that myselfe and friends, whome I promised about that time to discharge, bee not detained in any needlesse entanglement any longer than the first of March abovementioned, I having performed all things requisite for our deliverance even before that terme.

Thirdly. That your lordshipps would, before the army be satisfiyed their respective proportions of land, bee pleased to state and agree what is my due for measuring the same.

1st. Because I cannot accompt with my underworkemen untill your lordshipps have accompted with mee, their wages depending in maney cases uppon mine; whereby I am not only dayly molested with the importunity of a clamorous and indigent people, but am forced with much danger to lend them money to keepe them within call untill wee can bee cleare on all hands.

2dly. Because noe possession can be firme or valid before the survey bee signed and vouched by me; now as I cannot vouch them untill your lordshipps have allowed them, soe I cannot believe that your lordshipps have allowed them untill you have allsoe allowed me, and stated what is due unto mee for them.

3dly. I have attended uppon itt neer these eight monethes, and therefore hope your lordshipps will thinke it time now that I should bee dispatched, since all things, especially on my part, are fully ripe and prepared thereunto, the examinations remaining being of little use, and for that arithmeticall errors may bee excepted, as is usuall in all accompts; and since the auditors of the Exchequer have by your lordshipps order alreadye rated the severall counties, and since that they, with the Surveyor-General, hath exhibited the state of the reimbursement for the former grosse admeasurement, in which particulars the whole accompt doth consist.

4thly. I have for these many moneths kept the booke within my owne charge,

charge, and taken upon my selfe the hazard of fire, loss, or other detriment incident unto them, of all which I hope tis now time to discharge mee.

5thly. Since the passing my accompts is like to carry noe money out of the publicke treasury, but possibly may bring backe some into itt, if too long delay shall not hinder the same, with reference to the collecting the souldiers pence, which can not well be done before the accompt be passed.

6thly. If the army have their lands before my accompts bee passed, I and all my friends and relations are at the mercy of a multitude of discontented querulouse persons, for our creditt and livelyhoods, neither have I any thing by way of security but a company of uselesse papers, whereas I have on the other side given good security for my owne performance; and in case I should not find in your lordshipps successors the same honourable dealing that I have hitherto found in your lordshipps, I may bee paid with captiouse and frivilouse objections instead of money; suitors for old and past services, when the State is in want, seldome finding but cold entertainement, how great a good soever their services have been.

7thly. I have about a thousand pounds more due unto me for the countyes of Wicklow, Carlow, and Limricke, which, through the neglect of the Commissioners of civill survey, and of the other Commissioners for setting out lands, can not be perfected; the which, with my four thousand pounds security, will make good all arithmeticall errors which can possibly escape in this present accompt, and all other matters that can bee in controversy.

Ffourthly. That I may be allowed for my worke according to my accompt now exhibited, notwithstanding some part of the subdivision is not yett actually performed.

1st. Because the subdivision ought to have been carried on with the downe admeasurement as one worke, the which, for that they might have been done together with the same labour and charge, I am therefore obliged to doe a part, as appeares by my contract and your Lordshipps order, 22° May, 1655.

2dly. Although I had been obliged to doe them a part, yett, the time of performing them being expsired, I am now neither obliged thereunto by the law or letter of my articles, nor by the reason and equity of them, the same being a new and a double worke.

3dly. The obliged promise of goeing twice upon the worke, althoough it had been written in my articles, doeth not oblige mee in this case.

4thly. The letter of my articles concerning my pay for the subdivision doth not oppose this my demand.

5thly. The articles concerning the advanceing of 5^l 10^s per thousand acres upon the downe admeasurment, clearely makes out what I desire to bee the same with the intention of the contract herein.

6thly. If am obliged still thereunto, I may stand obliged for ever, which is impossible and absurd.

7thly. I have actually and absolutely either paid or engaged for subdivision not yett performed, soe that herein I desire noe more to be done to my selfe then what I have really done to others.

8thly. The subdivision performed will not amount unto neere soe much as the survey of Wicklow, Carlow, and Limricke, not placed to this account, will amount unto.

Fifthly. Blank.

Sixthly. I humbly desire your Lordshipps favour in remitting a considerable part of the reimbursement to bee made for 2054^l, said to bee formerly disburst upon the grosse admeasurment.

1st. Because noe worke at all was ever soe much as pretended to have been done for part of the money.

2dly. Noe account was ever perfected from another part.

3dly. Some of the said money was paid on mixt accompts.

4thly. The most part of the whole was not legally demandable, for such only I am bound to reimburse.

5thly. Itt was money lost upon exsperriments, which is ever allowed in these great and difficult works.

6thly. I assented unto it only for feare, in case of a breach, of being thought to have made a frivolouse vaper instead of a solid proportion, and such as I could performe.

7thly. Att the first exhibiting of my accompt, your Lordshipps promised an abatement of part thereof, by way of relieve, and of certaine extraordinary greivances then presented, and the proportion of the abatement was ordered to bee referred

referred to the auditors of the Exchequer, but put of againe only untill I should have past the examination, which hath been since done.

8thly. The whole undertaking was performed precisely within the time, beyond all mens exspectation, notwithstanding whatever I promised or undertooke, ffor which some putt me in hopes of an extraordinary gratuity.

9thly. This worke, which hath been soe exactly performed and rigorously examined, hath not cost the State soe much as former gross surveyes have done.

10thly. I have my selfe, in many cases, given unto such as have wrought under me double allowance to their respective agreements.

11thly. I humbly desire your Lordshipps to testifie your acceptance of my endeavoures by your favour herein, uppon which I only rely, notwithstanding all the just motives aforementioned.

Whereupon their Lordshipps issue the following order:

By His Highnesse the Lord Protectors Councill for the Affaires of Ireland.

The Councill having considered of the third proposall of Dr William Petty, praying that the Councill would, before the army be satisfyed their respective proportions of land, bee pleased to state and agree what is due for measuring the same, as allsoe of the fourth proposall, praying that hee may bee allowed for his worke according to his account now exhibited, notwithstanding some part of the subdivision is not yett actually performed. As to the third proposall aforementioned:

Ordered,

That it bee referred to the Auditors of His Highness Court of Exchequer to consider thereoff, and to state the said Doctors accompt for what shall appeare due unto him upon the contract of his admeasurement of the lands for satisfaction of the arrears of the army. And the said auditors are further required to consider of the said Dr fourth proposall; and according thereunto, and the contents of the barronyes which the said Dr hath admeasured, and as returned unto this board by Captain Allen, Richard Delawne, and William Hopkins, or two of them, herewith sent them, to state and compute the debt, according to the quantity thereby certifyed, and agreeable to such rates as the said auditors have formerly accounted them att, pursuant to an order of this board, dated the third day of March last, together with the accompt of the barony lines, and to certifie

tifie the same, for the further consideration of this board. Dated at the Councill chamber, Dublyn, the 12th of November, 1656.

Tho. HERBERT, Clerk of the Councill.

As alsoe another order of the same date to a Committee, of the Councill, to consider of the reimbursements of the grosse survey.

By His Highnesse the Lord Protectors Councill for the Affaires of Ireland.

Vppon consideration of the sixth proposall of Dr William Petty hereunto annexed, craving the favour of this board in remitting a considerable part of the reimbursements to be made for the 2054^{ll}, said to bee formerly disburst upon the gross admeasurement; ordered, that it bee referred to the Lord Chief Baron, Collonell Mathew Thomlinson, and William Bury, Esq., who, as a committee of the Councill, are desired to consider thereof, and of his reasons subjoined thereunto; as alsoe of the contract made concerning the same, and what worke hath been performed in order thereto, with what remaines further to be done, as alsoe to hear what the Dr can offer thereupon, why any part of the same should bee remitted; as alsoe of what hath been stated and reported by the auditors and Surveyor-Generall in the case, and upon the whole to certifie matter of fact, with what else they may judge fitt for the further consideration of the board. Dated att the Councill chamber in Dublyn, the 12th of November, 1656.

Tho. HERBERT, Clerke of the Councill.

To His Highnesse the Lord Protectors Councill for the Affaires of Ireland.

The humble petition of Dr William Petty

Sheweth,—

That whereas there are charged upon your petitioner severall summs of money, as formerly paid for grosse admeasurements, the which ought not by the explanation of his articles to bee reimbursed by your petitioner, but out of the last money which should be due unto him upon his contract.

Your petitioner humbly prays that whatsoever part of the said summs your Lordshipps shall please to require from your petitioner may not be defalked out of his present payment, but out of what shall be due unto him for the countyes of Wicklow, Limricke, and Carlow, the profitable lands whereof amount unto

1352^{ll}

1352^l, and the unprofitable and church lands, by estimate, unto as much more as will make the same neer 1600^l, which your petitioner hopes will bee sufficient security for the said reimbursement, although your petitioners other engagment of 4000^l were not in being.

Moreover there is allwayes, and from [time] to time due unto your petitioner 2000^l, by way of advance, over and above whatsoever shall bee due unto him for worke done.

Wherefore your petitioner humbly desires that the said reimbursements may bee esteemed as part of the said advance, and consequently that the same may not bee defalked now, that soe the accounts which your petitioner is now to pass may bee soe cleare and absolute as is necessary and reasonable in this present condition of his affaires.

And your petitioner shall pray.

By His Highness the Lord Protectors Councill for the Affaires of Ireland.

Vppon consideration had of the within petition of Dr William Petty, praying that the reimbursements therein mentioned may bee esteemed as part of the advance, and that the same may not now bee defalked, but that his accompts may pass, &c. Ordered, that it bee referred to the Lord Chief Baron, Collonell Mathew Thomlinson, and William Bury, Esq., who, as a Committee of the Councill, are desired to consider of the same, and, uppon calling the petitioner before them, in case he shall give them satisfaction as to the matter of fact, they are then to report the same unto the board, to the end the summ therein mentioned may bee respited, and the accompt pass, as is desired. Dated at the Councill chamber in Dublyn, the 19th of November, 1656.

Tho. HERBERT, *Clerke of the Councill.*

By His Highness the Lord Protectors Councill for the Affaires of Ireland.

Vppon further consideration had of the within petition of Doctor William Petty, setting forth that severall summs of money are charged upon him as formerly paid for grosse admeasurement, the which ought not by the explanation of his articles to bee reimbursed but out of the last money which should bee due unto him upon his contract, and thereupon desiring that the same may not bee defalked out of his present payment, but out of what shall be due unto

unto him for the countyes of Wicklow, Carlow, and Limericke: Ordered, that the said summs of money chargeable uppon him as afforesaid, be respitted uppon present accompt without defalcation; and that his said accompt doe pass without receiving interruption for the same; and itt is further ordered, that the said summs of money, chargeable uppon him as afforesaid be nevertheless brought in uppon his future or next accompt, and such reimbursements then to bee made for the same as shall appeare to bee just and fitt. Dated att the Council chamber in Dublyn, the 24th of November, 1656.

Tho. HERBERT, *Clerk of the Councill.*

A PARTICULAR

A PARTICULAR of the Contents of the Baronys admeasured by Dr. PETTY, which have been examined in the Surveyor-General's Office.

Countys and Baronyes.	Lands profitable.	Lands unprofitable.	Commons lying between forfeited and unforfeited Lands.	Gleabe and Church Lands.	Totals of each Barony.
	A. R. P.	A. R. P.	A. R. P.	A. R. P.	A. R. P.
TIPPERARY.	32234 2 0	4432 1 0	7951 0 0	27 0 0	44644 3 0
Upper Ormond,	20312 0 0	2232 2 0	12658 0 0	1453 0 0	37133 2 0
Kilnemanganagh,	40332 0 0	1326 0 0	1859 0 0	122 0 0	43639 0 0
Slevardagh and Compsy,	4573 2 0	833 0 0	6574 0 0	2 0 0	11982 2 0
Kilnelongtury,	26902 0 0	2701 0 0	7416 0 0	8 3 0	37028 0 0
Owney and Arra,	48981 0 0	7703 0 0	5903 0 0	741 2 0	63328 2 0
Lower Ormond.					
Countys and Baronyes.	Lands profitable.	Lands unprofitable.	Commons lying between forfeited and unforfeited Lands.	Gleabe and Church Lands.	Totals of each Barony.

Countys and Baronyes.	Lands profitable.	Lands unprofitable.	Commons lying between forfeited and unforfeited Lands.	Gleabe and Church Lands.	Totals of each Barony.
	A. R. P.	A. R. P.	A. R. P.	A. R. P.	A. R. P.
DOWNE.	6842 3 21	1639 3 8	556 1 0	108 1 0	9563 3 29
Kinalarty.	16751 0 37	2072 3 7	142 0 0	8807 3 12	28330 0 16
Lower Evagh.					
Total of Countye.	23594 0 18	3712 2 15	556 1 0	142 0 0	9889 0 12
ANTRIM.					
Carv.	20800 0 8	2960 0 0	2060 1 0	48 1 0	21786 2 8

Countyes

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LIAM HOPKINS.
DULAWNE.
ES CORBETT.

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present account
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in Dublyn, the

(140)

Toome,	2376	2 20	145	3 0	2562	0 4	5084	1 24
Antrim,	5942	1 15	1139	2 24	5492	3 28	12574	3 27
Kilconway,	24460	3 0	3229	2 10	3821	2 30	.	.	.	.	.	.	164	0 0	31676	0 0
Glenarne,	24896	1 8	472	2 14	3738	1 7	.	.	.	.	.	.	200	1 8	29307	1 37
Total of Countye,	78485	1 11	7847	2 8	9629	0 37	.	.	.	.	.	.	8467	2 0	104429	1 16
ARMAGH.																
Orier,	8512	3 13	1609	0 0	240	0 0	.	.	.	.	.	.	1203	2 0	11565	1 13
Ffewes,	14395	0 0	2910	0 0	72	0 0	.	.	.	.	.	.	8519	3 0	25896	3 0
Total of Countye,	22907	3 31	4519	0 0	312	0 0	.	.	.	.	.	.	9723	1 0	37462	0 13
DUNNAGALL.																
Kilmackrinan,	9373	1 0	6309	2 0	.	.	.	.	.	.	.	.	15444	0 0	31126	3 0
TRONE.																
Strabane,	3992	0 10	1070	3 0	.	.	.	.	.	.	.	.	12553	2 16	17616	1 26
Dungannon,	14347	2 0	2629	2 20	.	.	.	.	.	.	.	.	15607	1 0	32584	1 20
Omagh,	.	.	.	.	3482	2 0	.	.	.	.	.	.	31242	3 32	34725	1 32
Total of Countye,	18339	2 10	3700	1 20	3482	2 2	.	.	.	.	.	.	59403	3 8	84926	0 38
LONDONDERRY.																
Coleraine Liberties,	6209	3 4	1464	1 3	.	.	.	.	.	.	.	.	59	0 0	7733	0 7
ULSTER,	158909	0 0	27553	1 6	13979	3 37	142	0 0	102986	2 20	303571	1 39				
ULSTER, } LEINSTER, }	2111240	0 13	128962	1 30	116092	1 9	32374	2 28	144540	3 13	2533210	1 13				
MUNSTER,																

In obedience to your lordshipps orders of the 7th instant, requiring us to prepare a perfect and particular accompt of the contents of the respective baronyes which Dr Petty hath admeasured according to the tenor of his agreement, wee humbly certifie that, according to our instructions received from the Surveyor-Generall, we have, with the best of our care and knowledge, examined these preceeding baronyes to which the quantities of acres are affixed, and find the particulars of their contents to be as they are sett downe in the aforesaid columes under their particular qualtyes.

WILLIAM HOPKINS.

Dated the 12th. November, 1656.

RIC. DULAWNE.

Sworne before me, the 27th of November, 1656.

MILES CORBETT.

*
Countyes

Counties and Baronies.	Lands profitable.	Lands unprofitable.	Lands unprofitable, exceeding 500 Acres.	Lands unprofitable, exceeding 500 Acres.	Commons lying between forfeited and unforfeited Lands.	Glebe and Church Lands.	Totals of each Barony.
	A. R. P.	A. R. P.	A. R. P.	A. R. P.	A. R. P.	A. R. P.	A. R. P.
CORKE.							
Barretts.	11158 2 0	104 0 0	104 0 0	104 0 0	104 0 0	91 0 16	11249 2 16
South Liberties of Corke,						1049 0 0	8960 0 0
North Liberties of Corke,						18 0 0	7101 0 0
Course,						18 0 0	4339 3 32
Kinsale Liberties,	4321 3 32	1 8	1 8	1 8	1 8	41 3 0	6375 0 8
Barriroe $\frac{1}{2}$ Baronye,	63333 0 30	3 0	3 0	3 0	3 0	92 0 0	3066 0 32
Ibaune $\frac{1}{2}$ Baronye,	5568 3 0	722 0 0	722 0 0	722 0 0	722 0 0	4 0 0	5572 3 0
Beare and Bantrey,	63859 3 25	826 0 0	13354 0 0	13354 0 0	13354 0 0	357 0 25	78293 0 10
Total of Countye,	109106 2 17					1671 0 1	124957 2 18
DUNAGALL.							
Tyrrhugh,						22353 0 0	23593 0 0
Boylagh and Banagh,						15483 0 0	16282 2 0
Enishowen,						9478 2 32	9478 2 32
Rapho,						14199 0 0	14199 0 0
Total of Countye,						61513 2 32	63553 0 32
LONDONDERRY.							
Tirkerin,	1145 1 21	265 1 0	506 0 0	506 0 0	506 0 0	5568 3 13	7485 1 34
Kenought,	2880 0 0	2431 0 0	1691 0 9	1691 0 9	1691 0 9	18654 3 31	25657 0 0
Coleraine,						9490 1 32	9490 1 32
Loighinsholin,						20719 2 16	21711 2 16
Total of Countye,	4095 1 21	2701 1 0	3174 0 9	3174 0 9	3174 0 9	54433 3 12	64404 2 2
TOTALL,	113201 3 38	3527 1 0	18367 2 9	18367 2 9	18367 2 9	117618 2 5	252915 1 12

In obedience to your lordshipps order of the seventh instant, requiring us to prepare a perfect and particular accompt of the contents of the respective barronyes which Dr Petty hath admeasured according to the tenure of his agreement, we humly certifie that, according to our instructions received from the Surveyor-Generall, wee have, with the best of our care and knowledge, examined these foregoeing barronyes to which the quantity of acres are affixed, and find the particulars of their contents to bee as they are sett downe in the above colume under their particular qualtyes.

RIC. DULAWNE.

W^M. HOPKINS.

Dated the 22th of November, 1656.

Sworne before mee, the 27th of November, 1656.

MILES CORBETT.

*To the Right Honorable His Highness the Lord Protectors Councill for the
Affaires of Ireland.*

May it please your Lordshipps.

In pursuance of your honors order of the 12th of November instant, grounded upon the proposalls of Dr William Petty, desiring that his accompts of lands admeasured might bee stated according to the returne made to your lordshipps by Richard Delawne and Wm. Hopkins, wherein wee are required to state and compute the debt according to the quantityes certified and agreeable to the rates in our former report, bearing date the 11th day of March, 1655, wee make bold humbly to certifie that upon the 11th of December, 1654, the said Dr entered into articles of agreement for the admeasurement of ten halfe countyes granted in satisfaction to the officers and souldiers, with other countys as additionall security, together with the reserved countyes and the bishoppes lands; in consideration of all which wee find that he was to receive for every thousand acres of forfeited profitable lands, to bee sett out in satisfaction of the souldiers ar-reares, the sum of seven pounds three shillings and fourpence, and for every thousand acres of lands reserved to His Highness and the Commonwealth, and not given and disposed of to the souldiers, as likewise for every thousand acres unprofitable land, of parcells under five hundred acres, the summ of three pounds, and for surrounding the barrony lines of the lands to be set out to the souldiery, one thousand pounds; according to which rates wee have computed the following quantityes of land, being agreeable to the returne made by the said De Lawne and Hopkins, viz^t.

Forfeited

Forfeited profitable Lands, disposeable to the Army att 7^l 3^s 4^d per thousand Acres.

Tipperary,	173335	1	0
Waterford,	82205	0	0
Kerrey,	408120	0	23
Corke, viz ^t , Kerricurrily, }	173174	2	7
Kinalea, and Carbury, }			
Kildare,	93410	1	1
Longford,	50229	0	22
Kings County,	67670	2	29
Kilkenny,	100539	3	16
Queenes County,	62064	1	4
Wexford,	202993	0	25
Westmeath,	86450	1	23
Eastmeath,	146415	2	20
Downe,	23594	0	18
Antrim,	78485	1	11
Armagh,	22907	3	31
Donnegall,	9373	1	0
Tyrone,	18339	2	10
Londonderry,	10305	0	25
Total of Acres,	1809613	2	25
Summe,	12968^{ll}	17^s	10^{4d}

Vnprofitable forfeited Lands, lying in distinct Parcells, each of them under five hundred Acres, att three Pounds per Thousand Acres.

Tipperary,	19227	3	0
Waterford,	4151	0	0
Kerrey,	14250	1	2
Corke,	21631	3	10
Kildare,	4023	2	8

Longford

Longford,	. . . . .	6087	3	16
Kings County,	. . . . .	8711	1	16
Kilkenny,	. . . . .	1116	0	0
Queens County,	. . . . .	3286	1	0
Wexford,	. . . . .	4259	1	6
Westmeath,	. . . . .	8521	0	18
Eastmeath,	. . . . .	5302	0	38
Downe,	. . . . .	3712	2	15
Armagh,	. . . . .	4519	0	0
Antrim,	. . . . .	7847	2	8
Donnegall,	. . . . .	6309	2	0
Tyrone,	. . . . .	3700	1	20
Londonderry,	. . . . .	4165	2	3
Dublin,	. . . . .	1666	2	30
Total of Acres,	. . . . .	132489	2	30
Summe,	. . . . .	397 ¹¹	7 ⁸	3 ¹⁴

*Bishoppes Lands, Gleabe Lands, and other Church Lands, Crowne Lands, &c.,
att three Pounds per Thousand.*

Tipperary,	. . . . .	2354	1	0
Waterford,	. . . . .	3224	3	0
Kerrey,	. . . . .	1868	1	19
Corke,	. . . . .	13275	2	20
Kildare,	. . . . .	893	3	39
Longford,	. . . . .	716	3	18
Kings County,	. . . . .	786	1	25
Kilkenny,	. . . . .	3924	1	9
Queens County,	. . . . .	1844	0	8
Wexford,	. . . . .	6763	0	0
Westmeath,	. . . . .	1323	2	36
Eastmeath,	. . . . .	1870	2	38
Downe,	. . . . .	9889	0	12
Antrim,	. . . . .	8467	2	0

Armagh,	9723	1	0
Donegall,	76957	2	32
Tyrone,	59403	3	8
Londonderry,	54492	3	12
Dublyn,	4379	0	22
	<u>262159</u>	1	18
Summ,	<u>786¹¹</u>	<u>9⁸</u>	<u>7^{8d}</u>

Commons appertaining to the forfeited Lands profitable and disposeable to the Army, att seaven Pounds three Shillings four Pence per thousand Acres.

Tipperary,	478	0	0
Waterford,	1446	0	0
Kerrey,	22552	1	36
Corke,	144	0	0
Kildare,	4527	2	24
Longford,	314	3	4
Kings County,	178	2	0
Kilkenny,	0	0	0
Queens County,	0	0	0
Wexford,	1258	0	0
Westmeath,	276	0	0
Eastmeath,	351	0	4
Downe,	142	0	0
Antrim,	0	0	0
Armagh,	0	0	0
Donnegall,	0	0	0
Tyrone,	0	0	0
Londonderry,	0	0	0
Dublyn,	706	1	0
Totall of Acres,	<u>32374</u>	<u>2</u>	<u>28</u>

Summe, 232¹¹ 12⁸ 8^d

Lands

Lands reserved to His Highness and the Commonwealth,]
 lyeing in the county of Dublyn and part of Corke, att
 three pounds per thousand acres, } 416452 3 4

Summe, 1249^{ll} 7^s 1^d

Vnprofitable lands certfyed to be in parcells under five
 hundred acres, but such as, by their joining together,
 doe compose parcells above five hundred acres, att three
 pounds per thousand acres, } 69291 2 16

Summe, 207^{ll} 18^s 0^d

Ffor the outline lines of all the afforementioned bar-]
 ronyes, per agreement, } 1000^{ll} 0^s 0^d

Soe that there is due unto the said Dr William Petty, uppon the afforegoing
 accompt, the severall summs hereunder specified, vizt:

Imprimis, ffor one million eight hundred and nine thousand
 six hundred and thirteene acres two roods twenty-five
 perches of profeitable forfeited lands disposeable to the
 army, at seaven pounds three shillings four pence per
 thousand acres, } 12968^{ll} 17^s 10^d

Item, for one hundred thirty-two thousands four hundred
 eighty-nine acres two roods and thirty perches of unpro-]
 fitable forfeited lands, lying in distinct parcells, each of
 them under five hundred acres, att three pounds per
 thousand acres, } 397^{ll} 7^s 3^d.

Item, for two hundred sixty-two thousand one hundred fifty-]
 nine acres one rood and eighteene perches of bishoppes
 lands, gleabe lands, and other church lands, crowne
 lands, &c., att three pounds per thousand acres, } 786^{ll} 9^s 7^d

U 2

Item,

<i>Item</i> , for thirty-two thousand three hundred and seaventy-four acres two roods and twenty-eight perches of commons appertaining to the profitable lands disposeable to the army, at seaven pounds three shillings four pence per thousand acres,	}	232 ^{ll} 12 ^s 8 ^d
<i>Item</i> , for four hundred and sixteene thousand four hundred fifty-two acres three roods and four perches of lands reserved to His Highness and the Commonwealths use, lyeing in the county of Dublin and part of Corke, at three pounds per thousand acres,	}	1249 ^{ll} 7 ^s 1 ^{1/4} d
<i>Item</i> , for sixty-nine thousands two hundred ninety-one acres two roods and sixteene perches of unprofitable land, certifyed to bee in parcells under five hundred acres, but such as by their joining together doe compose parcells of above 500 acres, at 3 pounds per thousand acres,	}	207 ^{ll} 18 ^s 0 ^d
<i>Item</i> , for the out lines of all the afforementioned barronyes, as per agreement,	}	1000 ^{ll} 0 ^s 0 ^d
The totall of all which particulars amounts to the summ of sixteene thousand eight hundred forty-two pounds twelve shillings seaven pence farthing,	}	16842 ^{ll} 12 ^s 7 ^{1/4} d
November the 26 th , 1656.		
There is due unto Dr William Petty, uppon the foot of his accompt for surveys, the summ of	}	16842 ^{ll} 12 ^s 7 ^{1/4} d
There hath been paid unto the said Dr William Petty, by severall warrants from the Councill, the summe of	}	10500 ^{ll} 0 ^s 0 ^d
There hath been discounted from the army, and paid unto him, the summe of	}	2557 ^{ll} 17 ^s 3 ^d
M ^d . Itt doth appeare by Mr. Standish his certificate, bearing date this day, that the above 13057 ^{ll} 17 ^s 3 ^d hath been received by the said Dr Petty, and is all that hee knoweth chargeable upon the account of the said Doctor for ad-measurement of lands.		
		Soe

Soe that there remaines yett due to the said Dr William Petty the summ of three thousand seven hundred eighty- four pounds fifteene shillings and four pence farthing, .] } 3784ⁱⁱ 15^s 4^t^d

M^d. That what is due to the said Dr William Petty for the survey of the three countyes of Wickelow, Catherlogh, and Limericke, and allsoe what is, *per contra*, due from the said Dr to the Commonwealth, uppon the accompt of a former gross admeasurement, are both of them omitted in this present accompt.

E^D. ROBERTS.

26 November, 1656.

ROB. GORGE.

Materialls being thus prepared for confirmation of the whole, there issueth the following orders:

By His Highnesse the Lord Protectors Councill for the Affaires of Ireland.

Ordered,

That Mr. Delawne and Mr. Hopkins doe fforthwith make oath, before the Lord Chief Baron of His Highness Court of Exchequer, of the trueth of their returne of the contents of the barronyes surveyed by Dr Petty, and by them lately presented to this board. Dated att the Councill chamber in Dublyn, the 26th of November, 1656.

THO. HERBERT, *Clerke of the Councille.*

By His Highness the Lord Protectors Councill for the Affaires of Ireland.

The Councill having considered of the annexed report of the auditors of His Highness Court of Exchequer, dated the 26th of November, instant, of the accompt of Doctor William Petty, doe thinke fitt and order that the said report be referred backe to the said auditors, who, having considered thereof, and conferred with the said Doctor about the same, are together to prepare such a declaration or order of discharge for the said Dr, as the said auditors shall conceive fitt to bee passed by this board upon that account. Dated at the Councill chamber in Dublyn, the 26^o of November, 1656.

THO. HERBERT, *Clerk of the Councille.*

To

To His Highness the Lord Protectors Councill for the Affaires of Ireland.

May it please your Lordshipps,—

Wee have received backe from your Lordshipps the report given in by our selves upon Dr William Petty's accompt for survey, dated the 26th instant, and have, according to your Lordshipps order, considered of the same againe, and, finding noe reason to alter any thing therein, have remitted the same backe to your Lordshipps; wee have likewise conferred with the said Dr William Petty, concerning such a declaration and order of discharge of the said accompt as wee humbly conceive is fitt to pass your Lordshipps, and having drawne it up, doe likewise therewith, and with our said former report, humbly tender and submitt the same unto your Lordshipps.

E^D. ROBERTS.

ROB. GORGE.

By His Highness the Lord Protectors Councill for the Affaires of Ireland.

The Councill having considered of the report and accompt examined by Robert Gorge and Edward Roberts, Auditors-Generall, in answer to an order of this board of the 12th of November instant, according to the returne uppon oath of Mr. Richard De Lawne and William Hopkins, imployed by Benjamin Worseley, Esq., Surveyor-Generall, for the examining and casting up of the lands ad-

measured by Dr William Petty by which it appeares that the said
 1809613^a 2^r 25^p Dr hath admeasured as followeth, vizt, one million eight hundred
 profitable. and nine thousand six hundred and thirteene acres two roods and
 twenty-five perches of forfeited profitable land; one hundred thirty-two thousand

four hundred eighty-nine acres two roods and thirty perches of
 132489^a 2^r 30^p unprofitable. unprofitable forfeited lands; two hundred sixty-two thousand
 one hundred fifty-nine acres one rood and eighteen perches of

bishopps lands, gleab lands, and other church lands, crowne lands, &c.; thirty
 three thousand two hundred seaventy-four acres two roods and twenty-eight
 perches of commons appertaining to the forfeited profitable lands; ffor hundred
 and sixteene thousand four hundred fifty-two acres three roods and four perches
 of land reserved to His Highness and the Commonwealth, lying in the county
 of Dublyn and part of Corke; sixty-nine thousand two hundred ninety-one
 acres two roods and sixteene perches of unprofitable lands certifeyd to bee in
 parcells

parcells under five hundred acres, together with the outlines of the respective baronyes wherein the said lands doe lye: according to which, and the contract with him made the 11th of December, 1654, and the report of the said Auditors-generall, it appeares that, according to the rates agreed upon in the said contract, there is due unto the said Dr William Petty, for the above said lands by him admeasured, the summe of sixteene thousand eight hundred 1684^{2nd} 12th 7^{4^d} forty-two pounds twelve shillings seaven pence farthing sterling, of which he hath received by several warrants from this board ten thousands five hundred pounds sterlign, and from the officers and souldiers of the army two thousand five hundred fifty-seaven pounds, seaventeene shillings, and three pence, sterlign; soe that there remaines further due to the said Dr William Petty, for admeasuring and setting out of the said lands, the summe of three thousand seaven hundred eighty-four pounds, fifteene shillings, and fourpence farthing, sterlign; upon all which the Councill doe allow and approve of the said accompts, provided itt extend not to the 2054th, which, according to the late order of this Board, dated the 24th of this present moneth, is ordered to be brought in uppon his next accompt, or to what shall appear due to the said Dr Petty uppon his survey of the three countyes of Wickelow, Catherlogh, and Limericke. Dated att the Councill chamber in Dublyn, the 28th November, 1656.

THO. HERBERT, *Clerk of the Councill.*

This generall accompt being thus passed, when the surveyes of Limricke, Catherlogh, and Wickelow, were examined as the others were, there issued the following orders, viz^t:

By his Highness the Lord Protectors Councill for the Affaires of Ireland.

Whereas by an order of this Board of the 15th of May last, the Surveyor-Generall of lands was required to take care for the examining and casting up of the severall plotts and books of references which were returned in by Dr William Petty, concerning the surveyes of the three provinces, and to see that the same be duly perfected and returned according to the articles of his agreement or contract, or otherwise to state and present the defects of the said survey unto this Board; and for the better performance and dispatch thereof, the said Surveyor-Generall was thereby impowered to employ soe many able and discreet persons

persons as hee should thinke fitt, not exceeding the number of four, as by the said order more at large appeareth. And whereas the said Surveyor-Generall hath, pursuant thereto, in August last, presented unto this Board his report concerning the state of the examination of the said Dr Pettyes survey, with what defects he hath observed in reference to the particulars undertaken by the said Doctor, and what remains still further to bee performed for and towards the finall compleating of his whole contract with the Commonwealth, itt is thought fitt and ordered that Christopher Gough, deputy to the said Surveyor-Generall, and such other clerke and clerks belonging to the Surveyor-Generalls office as hee shall appoint, doe, with all convenient speed, prepare an exact and perfect particular accompt of the lands of the respective barronyes within the three countyes of Wicklow, Catherlogh, and Limricke, as the said Dr Petty hath allready admeasured by the instrument, according to the tenor of his agreement; and that they doe make oath thereof before any one of the Masters of the Chancery, and returne the same unto this Board for further consideration to bee had thereupon. Dated at the Councill chamber in Dublin, the 24th of March, 1656.

THO. HERBERT, *Clerk of the Councill.*

Countyes

Counties and Baronies.	Lands profitable.	Lands unprofitable, less than 500 Acres	Lands unprofitable, exceeding 500 Acres	Gleab and Church Lands, profitable and unprofitable.	Totals of each Barony.
	A. R. P.	A. R. P.	A. R. P.	A. R. P.	A. R. P.
LIMERICK.					
S th Liberties of Limerick,	11342 1 29	1352 2 0	· · ·	2518 3 30	15215 3 19
Clan William,	17302 2 37	1362 0 0	942 0 0	382 2 0	19989 0 37
Small County,	10819 0 16	483 2 0	· · ·	858 2 0	12161 0 16
Kilmallocke Towne and }	1915 1 21	17 0 0	· · ·	210 1 31	2142 3 12
Liberties,	29074 1 10	3107 2 36	1476 0 0	326 3 30	33984 3 36
Coles,	15295 0 0	502 2 0	· · ·	704 3 0	16502 1 0
Total of Countye, .	85748 3 33	6825 0 36	2418 0 0	5002 0 11	99994 1 0
WICKLOW.					
Talbotstowne,	33881 0 0	· · ·	5358 0 0	7840 0 0	47079 0 0
Ballinecurr,	24541 0 0	· · ·	27438 0 0	4128 0 0	56107 0 0
Arklow,	13033 2 6	73 0 0	· · ·	1212 2 0	14319 0 6
Rathdowne,	1305 0 0	109 0 30	· · ·	· · ·	1414 0 30
Newcastle,	13859 2 25	105 3 17	· · ·	113 2 4	14079 0 6
Total of Countye, .	86620 0 31	288 0 7	32796 0 0	13294 0 4	132998 1 2
CATHERLOGH.					
Forth,	15374 3 0	1111 3 0	2149 3 0	672 3 6	19309 0 0
Idrony,	27119 1 0	1090 3 0	2225 3 0	5253 2 0	35689 1 0
S th . Mullins,	32115 2 0	276 2 0	1727 0 0	20 0 0	5239 0 0
Catherlogh,	10501 1 0	154 0 0	· · ·	14 1 0	10669 2 0
Ravilly,	8840 0 0	283 1 0	· · ·	33 0 0	9156 1 0
Total of Countye, .	65050 3 0	2916 1 0	6102 2 0	5593 2 6	80063 0 6
TOTAL OF THE THREE COUNTIES,	237419 3 24	10029 2 3	41316 2 0	24289 2 21	313055 2 0

* X

In obedience to your Lordshipps order of the 24th instant, requiring us with all convenient speed to prepare an exact and particular accompt of the contents of the severall baronyes of the three countyes of Wicklow, Catherlogh, and Limricke, as Dr Petty hath alreadly admeasured, according to the tenor of his agreement, wee humbly certifie that, according to our instructions received from the Surveyor-Generalls deputy, we have, with the best of our care and knowledge, examined the admeasurement of the preceeding barronyes, and find the particulars of their contents to bee as they are sett downe in the above columnes.

M^a That the examination of the countreys of Wicklow and Carlow was only betwixt plott and reference, noe civill survey or abstracts of them being yet returned into the Surveyor-Generalls office.

PHILLIP CONWAY.

March 26th, 1657.

HEN. MONCKE.

This day Henry Moncke and Phillip Conway depos'd before mee that what they have above certified is trueth.

Sworne before me,

JOHN TEMPLE.

By his Highness the Lord Protectors Councill for the Affaires of Ireland.

Ordered,

That the auditors of his Highness court of Exchequer doe review a former accompt of theirs, exhibited concerning the reimbursements which Dr William Petty was (pursuant to his articles) to make for the 2054th alledged to be disbursed upon the gross admeasurement ; and they are carefully to examine what monyes have actually been paid him upon that accompt, with what else they may judge materiall in that bussiness. And it is further ordered that the said auditors doe upon the accompt of the contents of the severall barronyes of Wicklow, Catherlogh, and Limricke, as delivered by Mr. Christopher Gough, and others by him appointed, upon oath, compute, according to the contract of the 11th of December, 1654, what appeares to be due unto the said Dr Petty for his survey of the said baronyes ; and withall to ballance the said accompt, and present the same for the further consideration of this board. Dated at the Councill chamber, in Dublin, the 25th of March, 1657.

Tho. HERBERT, Clerk of the Councill.
To

*To the Right Honourable his Highness the Lord Protectors Councill for the
Affaires of Ireland.*

May it please your Lordshipps,

In obedience to your Lordshipps order of reference of the 25th of March, instant, wee have reviewed a former accompt by us exhibited to your Lordshipps, concerning the reimbursements that Dr Petty was, pursuant to his articles of the 11th of December, 1654, to make, amounting, as wee then conceived, unto two thousand fifty-four pounds, nineteen shillings, as soe much disbursed uppon the grosse admeasurement, at 45th per thousand acres, in the 17th of the said articles mentioned; but, uppon further enquiry into the matter, find that, althoough warrants were yssued for the payments of the said summes unto severall persons, yet there was but nineteen hundred fifty-four pounds, nineteen shillings, actually and really paid unto them. Wee have allsoe transmitted unto your Lordshipps the accompt of that whole affaire, as it was sent unto us by the Surveyor-Generall, exspresseing and specifieing the severall states and grounds of each of the said payments respectively, for your lordshipps further consideration. Wee have allsoe, according to the said order of your Lordshipps, computed, according to the said contract and articles of the 11th of December, 1654, what appeares to bee due unto the said Dr Petty for his surveyes of the three countyes of Wicklow, Catherlogh, and Limricke, according to an accompt of their respective contents delivered in uppon oath before Sir John Temple, according to your lordshipps order in that behalfe, by Henry Moncke and Phillip Conway, whom M^r Christopher Gough, deputy to the Surveyor-Generall, had by your Lordshipps said order appointed to cast up and examine the same, and doe thereupon find to bee due to him, the said Doctor, for the said survey, as followeth, viz: 172369^a 24^p of lands profitable, and disposeable to the army, in the countyes of Wicklow and Limricke, which, att 7th 3^s 4^d per thousand acres, amounts unto 1235th 6^s 4^d; allsoe for 65050^a 3^r of profitable forfeited lands in the county of Carlow; allsoe for 10029^a 2^r 3^p of unprofitable lands, lying in parcells under 500^a, within the three countyes of Wicklow, Carlow, and Limericke; allsoe for 24289^a 2^r 21^p of gleab and other church lands, profitable and unprofitable, within the three countyes: in all, 99369^a 3^r 24^p, which, at three pounds per thousand acres, amounts unto 298th 2^s 2^d. Soe that there is due, in all, unto the said Doctor, upon this accompt, the summe of

fifteene hundred thirty-three pounds, eight shillings, and sixpence, the which being deducted out of the said 1954^l 19^s to bee reimbursed unto your Lordshipps by the said Dr Petty, there remaines due unto your Lordshipps the sum of ffour hundred twenty-one pounds, ten shillings, sixpence, which is the ballance of the whole accompt required from us by your Lordshipps. All which wee humbly submitt.

E^D. ROBERTS.

31 of March, 1657.

By his Highness the Lord Protectors Councill for the Affaires of Ireland.

The Councill having taken into consideration a report of the Auditors-Generall, dated the 31th of March last, made uppon an order of reference from this board, of the 25th of the said moneth, whereby they certifie that, having reviewed a former accompt by them exhibited to this Board, concerning the reimbursements which Dr William Petty was (pursuant to his articles of the 11th of December, 1654) to make, amounting, as was then conceived, to 2054^l 19^s, as soe much disburst upon the grosse admeasurement, att 45^s per thousand acres, in the 17th article mentioned, but, uppon further examination, find that there was but 1954^l 19^s actually and really paid, though warrants had issued to severall persons for payments thereoff; and that, uppon computing what is due to the said Dr for survey of the three countyes of Wicklow, Catherlogh, and Limricke, there appeared due (by the contents of acres surveyed) the sume of 1533^l 8^s 6^d, deducting which out of the aforesaid sume of 1954^l 19^s to be reimbursed by the said Doctor, there remaines 421^l 10^s 6^d, which is the ballance of the accompt; and uppon consideration likewise had of the said Drs petition and remonstrance, craving an allowance or mittigation of the said 421^l 10^s 6^d, without which the passing and clearing his accompts is obstructed, the Councill, having duely considered thereoff, have thought fitt, for those and other considerations, and accordingly order that the said sume of 421^l 10^s 6^d bee allowed to the said Dr upon his accompt: provided, nevertheless, that if uppon future examination and compleating his contract and proceedings upon the said surveyes, itt appeare that the said sume of 421^l 10^s 6^d, or any part thereof (notwithstanding his said reasons and remonstrance), shall not bee held fitt to be allowed him, that then the said sume, or such proportionable retrenchment as shall bee conceived meet, shall be subducted and reimbursed

bursed out of such allowance as shall be judged fitt to bee made him for his care and paines in setting out lands for the satisfaction of the army, or other publicke services by him to bee performed, and accordingly to bee accompta-ble for the same, of which the Auditors-Generall and others concerned are to take notice. Dated at the Councill chamber, in Dublin, the third of Aprille, 1657.

THO. HERBERT, *Clerk of the Councill.*

CHAPTER XII.

HIITHERTO hath beene sett forth the manner of bringing in, examining, and accompting for the said survey; itt remaines to sett forth the like narrative of the manner of paying for it, and clearing the severall summes due upon the said accompts, viz^t:

There was two thousand pounds paid as advance money by the order of the 17th of December; about May following there was granted another order for one thousand pounds and five hundred, just as the Lord Deputy Fleetwood and some of the Councill were going a progress into the countrey, with directions that the said order should not be delivered the Doctor untill hee had produced such and soe much worke as answered the said summe, according to the letter of the contract, or equivalently, which was observed: accordingly, 11th of May, the following order issueth:

By the Lord Deputy and Councill.

Ordered,

That it bee referred to the Commissioners-Generall of the Revenue, and Mr. Standish, Receiver-Generall of the Revenue of Ireland, to consider of the agree-ment made with Dr Petty for admeasurement of forfeited and other lands in Ireland, as allsoe of the generall vote of the council of officers of the 18th of December last, concerning the armyes proportion of the pay undertaken to bee made to Dr Petty, for his worke of surveying their lands allotted for their re-spective arreares, and how the same may be reimbursed to the public treasury out

out of the pay of the army, and in what proportion. They are further to consider how the moneys, from time to time payable to Dr Petty by the said agreement, may bee had to answer the engagement of state therein, and to offer their opinions herein with all convenient speed. Dublyn, the 11th of May, 1655.

THO. HERBERT, *Clerke of the Councill.*

Whereas, upon making a contract with Dr William Petty for admeasuring and subdivideing the lands allotted to the army, itt was agreed at a generall councill of officers, on the 11th day of December last, that one-third part of what should bee due for measuring their whole proportions of lands respectively should be deducted out of the then next moneths pay of the army; now forasmuch as the exact computation of the said third part will not only bee very tediouse, but allsoe uncertaine, untill it shall bee determined in what province each debenture shall bee satisfyed; itt is therefore thought fitt, by way of estimate, to deduct for the present only soe much out of each troope and company as will suffice for the present exigence of that service upon the accompt of the said engagements.

These are therefore, by the advice and at the request of the officers here present, to authorize and require you to discount out of the next moneths pay, commencing the 16th of Aprill last, from each troop of horse the summe of fifteene pounds, from each troop of dragoones twelve pounds, and from each company of foot seaven pounds; ffor the which said summes the said Dr William Petty is to give his receipt unto the respective agents of the said troops and companyes as their discharge for the same, and to receive it for and towards his satisfaction for the surveyes by him undertaken: and you are to pay the said summes deducted as afforesaid, either immedately unto the said Dr William Petty, or to charge the public treasury therewith for his use; and for your soe doeing this shall be your warrant. Dated att Dublyn, this 18th of May, 1655.

CHARLES FFLEETWOOD.

To John Blackwell and Richard Deane, Esqⁿ, Treasurers at Warr, or their Deputies, and every of them.

To Edward Roberts, Auditor-Generall.

On which was received the summe of . . . Afterwards, four distinct warrants issued for one thousand pounds each:

After

After the disbanding, anno 1655, there was collected by Mr. Standish the summe of

^{2186¹¹ o¹ 2^d} In both two thousand one hundred eighty-six pounds and two pence.

When the Committee of Artists had returned their report of the 17th of March, 1655, the auditors and Surveyor-Generall make the following report:

To His Highness the Lord Protectors Councill for the Affaires of Ireland.

In pursuance of your Lordshipps commands, we have mett and considered what moneys D^r Petty demands as a further advance on the accompt of the surveyes of Ireland, and how your Lordshipps may safely advance the said moneys to the said Doctor.

And doe find by certificat from the said Doctor that he hath ^{2008000¹¹ pro-} surveyed two millions and eight thousand acres of forfeited profit-
able land,

part of which he hath subdivided to the late disbanded
souldiers, besides the church lands and crowne lands, which, according to the
rates in his contract, when the army shall bee put into possession of the whole,
amounts unto about the summe of seaventeene thousand nine hundred pounds,
of which he hath received, by your Lordshipps warrants, seaven thousand five
hundred pounds, and from the army two thousand one hundred eighty-six pounds
two pence, making in all nine thousand six hundred eighty-six pounds two
pence, besides the money that is to bee deducted for the advance of former sur-
veyes. Now, fforasmuch as the said Doctor hath not as yett passed his accompts,
neither can he finally doe the same untill the army bee put into possession of
their lands, and the said D^r may not bee streightned in his undertaking, wee
humbly offer,

That three thousand pounds more bee paid the said Doctor upon the accompt of the surveyes, which wee conceive humbly your Lordshipps may safely
doe, consideration being had to the said Doctors security, and the proportion of
the worke hee hath to accompt for, on the finall conclusion of this business.

Provided that noe more money may bee paid the said Doctor untill hee have
compleated his undertaking, and past his accompt for the same.

All which wee humbly submitt, &c.

18th of March,

1655.

BEN. WORSELEY.

EDW. ROBERTS.

Whereupon

Whereupon a warrant issued for payment of 3000^l more, when, by the accompt passed the 28th of November, 3784^l, &c., was thereby certifyed to bee due; and when the army was in possession of their lands, an accompt was prepared of what was due from each allottee, whether the same were troope, company, or private person or persons. According to this account, the following orders issued.

Whereas, by an order of the Councill of Warr, bearing date the 11th of December, 1654, it was agreed that one penny per acre should bee allowed by the officers and souldiers of the army, for and towards the admeasurement of such lands as they should receive in satisfaction of their arreares; and forasmuch as, in pursuance of the said agreement, severall summs of money were advanced and paid unto Dr Petty upon this said accompt, by order from His Excellency the Lord Deputy, bearing date the 18th of May, 1655, out of the severall troopes and companyes of the army:

These are, in further pursuance of the said agreement, to will and require you to deduct soe many pence out of the pay of every troope and company of the army, as the said troop or company hath recived acres of land in satisfaction of their arreares, as the same shall appeare unto you by certificat from the commissioners appointed for setting out of the said lands unto them, due deduction being made of all such moneyes as you find to have been alreadly advanced upon the same accompt as aforesaid; and the said moneyes being discounted out of the next moneths pay, after your receipt of the aforementioned commissioners certificate respectively, you are to pay unto the said Dr William Petty, he giving his receipt and acquittance for the same unto each troope and company from whome it shall bee soe discounted; and for your soe doeing this shall bee your warrant. Dated this second day of December, 1656.

H. CROMWELL.

To John Blackwell and Richard Deane, Esqⁿ, Tresurers at Warr, or their Deputy.

When as much money was received as might well bee collected in this way, there was presented the following petition:

TO

TO HIS HIGHNESS THE LORD PROTECTORS COUNCILL FOR THE AFFAIRES OF
IRELAND.

The humble Petition of Dr William Petty

Sheweth,

That your petitioner having, uppon the foot of his accompt, due unto him from your Lordshipps the summe of 3784^l 15^s 4^d, did doe his utmost endeavour to collect the same from the army; and, for the better prevention of damage to your Lordshipps, did charge them as well with the lands of dubiouse title as with those that are clear.

And yet nevertheless soe it is, that your petitioner can not raise the said summe within less then 971^l, not seeing any hope of receiving much more. Wherefore hee humbly beseecheth your Lordshipps to take some other course for satisfying unto him the said remainder in some other less vexatiouse and distastfull (if not impossible) manner, that your petitioner may thereby bee enabled to discharge his many debts and engagements depending hereuppon.

And hee shall ever pray.

By His Highness the Lord Protectors Councill for the Affaires of Ireland.

Ordered,

That the annexed petition of Dr William Petty bee referred to James Standish, Esq., Receiver-Generall, and the auditors of His Highness Court of Exchequer, to consider of the allegations thereof, and having examined the truth of what therein is suggested, and heard what the petitioner shall further offer therein, and, in particular, satisfyed themselves how the summ of 971^l therein mentioned appeares due, and how it comes to pass that it cannot bee raised from the officers and souldiers of the army, as by the petitioner is suggested, they are, with the petitioner, to consider of some expedient how the petitioner may seasonably and regularly recieve satisfaction for that arreare, and to certifie the same unto this board for further consideration.

Dated the 2^d of Ffbruary, 1656.

Tho. HERBERT, *Clerk of the Councill.*

Y

To

To His Highness the Lord Protectors Councill for the Affaires of Ireland.

May it please your Lordshipps,

In pursuance of your honours order of reference of the 2^d of Ffbruary instant, upon the petition of Dr William Petty, with the same hereunto annexed, wee have considered of the contents thereof, and what the Dr hath further offered pursuant thereunto, and doe humbly present the state thereof, with the best remedy wee can at present conceive, to your Lordshipps consideration.

Wee find that of the 971^l appearing to us, as is sett forth in his petition, to bee due unto him, besides what was then deducted from the army on his behalfe, there hath been since the time of his petition exhibited to your Lordshipps a farther deduction of 114^l 10^s 5^d; and that there is due, according to the same rules of deduction, from the severall forces or companyes of the Irish regiments now in England, with the two companyes in the Isles of Buffin and Aron, the summe of 242^l 9^s 1^d, which may bee very well secured and obtained, and those two summes, making 356^l 19^s 6^d, provided the latter, by such wayes and meanes as may bee offered for calling in the same, bee made good unto him, will reduce his demand and arreare; and that which can not, or any part thereof, bee required of the present army, to the summe of 614^l 8^s 9^d, which falls to bee in arreare by reason of many that were satisfyed the last yeare, who did not pay their full proportions, and numbers of others, as well supernumeraries as single persons, satisfyed, both the last year and this, from whome the deduction of their respective portions could not bee made or otherwise had, being not in a course of pay with the army.

To repaire which there is, as wee conceive, but one of these two wayes to bee used, viz^t:

To give him allowance for the same out of such reimbursements as by contract he is to make to the Commonwealth for money paid to the old surveyors.

Or, for that it appeares unto us, whereoff hee is fully satisfyed, that there is exceeding his demand due from such supernumeraries, single persons, and others as before exsprest, who have not paid any thing, or but part of what they ought, you give him allowance thereout, by way of increase above his demand, adequate to his paines, industry, and hazard hee shall run in the obtaining thereof, provided you impower him for that purpose in such way and by such meanes as he may propose unto your Lordshipps, and you may think meet to consent unto; thereby

thereby putting him under any probability for the obtaining thereof, which he is consented to accept for satisfaction, and thereupon to acquitt the Commonwealth of his demand of 614^l 8^s 9^d.

All which is humbly submitted to your Honours.

EDW. ROBERTS.

JA. STANDISH.

By his Highness the Lord Protectors Councill for the Affaires of Ireland.

Whereas it is certifyed by the report of James Standish, Esq., and the auditors of his Highness Court of Exchequer, uppon a reference from this board, dated the second instant, that there will remaine due to Dr William Petty, to compleat his satisfaction of 3784^l 10^s 4^d, due unto him uppon his accompt passed the 28th of November last, over and above all that can bee collected from the troopes and companyes now in a course of pay with the army, and what hee hath been paid by warrant from this board, the summe of 614^l 8^s 9^d; and whereas all such as received lands for satisfaction of their arreares were to contribute one penny per acre towards the charge which the Commonwealth had undertaken to beare for the admeasurement of such lands, according to an agreement of the 11th of December, 1654, with the army; and fforasmuch as both the said referrees and Dr Petty are satisfyed that there is more of the said contributions behind and unpaid, from such as have now noe growing pay with the army, then will make the said sum of 614^l 8^s 9^d, which the said referrees see litle hopes to collect, and thereupon have offered as their opinion, that in case the said Dr shall take upon himselfe the labour and hazard of gathering up the said contributions, that hee be allowed an increase for the same, adequate to such his paine, industry, and hazard: whereupon the said Dr Petty, by leave of this board, hath proposed that in case he may have orders from this board to collect the said arrears (as have been formerly granted) for his owne use and benefitt, and that likewise if he may bee indemnifyed by this Board for such acquittances as hee hath or shall give unto the soldiery for the contributions afforesaid, that then he is content to accept of the said arreare of contribution in satisfaction of the aforesaid summe of 614^l 8^s 9^d.

The Councill, uppon serious consideration had of the whole matter, doe

thinke fitt and order that the said Dr Petty bee allowed, in satisfaction of the said summe of 614^l 8^s 9^d, all such arreares of pay of one penny per acre as are or shall bee due upon the accompt afforesaid; and that all persons concerned doe yeild and pay the same allowance unto the said Dr Petty, in such manner as the standing army satisfyed this present yeare, 1656, have generally done unto the Receiver-Generall. And the said Dr Petty is hereby indempnifyed for such acquittances as hee hath or shall give the souldiery for payment of the penny per acre as afforesaid; provided that, upon receipt of this order, hee doe deliver unto the clerke of the Councill an acknowledgement under his hand and seale that hee hath received the said summe, 614^l 8^s 9^d, and thereby fully release and discharge the Commonwealth for the same. Given att the Councill chamber, at Dublyn, the 11th of Ffebruary, 1656.

Tho. HERBERT, *Clerk of the Councill.*

There now appeares severall mistakes upon the afforesaid accompt, by which Sir Charles Coot had paid too much, 35^l; Collonell Ingoldsby, 20^l; Collonell Saunders, 22^l; and Captain George Owen, 17^l; itt appeared that the survey of Owneybeg was never paid for: upon accompt of which two matters, viz^t, the 94^l paid backe to the souldiers, and the omission of Owneybeg, there was presented the following petition, viz^t:

TO HIS EXELLENCY THE LORD LIEUTENANT AND COUNCILL.

The humble Petition of Dr William Petty.

Sheweth,

That being uncertaine whether to place the barony of Owneybeg to Tipperary or to Limericke countyes, itt was omitted out of both, upon passing your petitioners generall accompt for the survey.

That the survey of the same amounteth to sixty-two pounds, seaven shillings, and seaven pence.

That when M^r Standish had done collecting all he could from the souldiers, towards the payment of your petitioner, that there remained due to your petitioner 614^l 8^s 7^d, the which sume your petitioner, uppon certaine considerations, released the State of.

Now soe it is that, since the evening of that accompt, your petitioner hath paid backe to Sir Charles Coot, Sir Henry Ingoldby, Collonell Saunders, and

Captain

Captain George Owen, the summe of ninety-four pounds, overpaid by mistake to your petitioner; both which summes of 94^l, and 62^l 7^s 7^d, are justly due unto your petitioner, as may appeare by the severall certificates annexed.

Wherefore your petitioner humbly prays your lordshipps to give warrant for the payment thereof.

And hee shall pray.

By the Lord Lieutenant and Councill.

Considerations being had of the allegations of this petition, ordered that it bee referred to the Auditors-Generall, who are to examine and certifie the board a state of the account therein mentioned. Dated at the Councill chamber. Dyblyn, the 11th of February, 1658.

Tho. HERBERT, *Clerke of the Councill.*

To His Highness the Lord Protectors Councill for the Affaires of Irelande.

In obedience to your lordshipps order of reference, bearing date the 11th of February instant, wee have examined the state of the accompts and demands of Dr William Petty, and doe certifie as followeth, viz^t:

Wee find by a report, and the papers thereunto belonging, from M^r Standish and our selves, dated the 11th of Ffbruary, 1656, in part of 3784^l 15^s 4^d due to the said Doctor, he acknowledged the receipt or satisfaction for 3170^l 6^s 7^d, collected by M^r Standish from the severall regiments of the standing army; soe as there remained due unto him from your lordshipps but 614^l 8^s 9^d, which he hath since released to the State.

2dly. Wee find that of the said 3170^l 6^s 7^d, there hath been paid backe unto Sir Henry Ingoldsby, 20^l; to Samwell Wade, for Sir Charles Coote use, 35^l; to Paul Cudmore, for Collonell Saunders, 22^l; and to Capten George Owen, 17^l; making in all 94^l.

3dly. Wee find that the said Doctor was never paid for admeasuring the barony of Owney Beg, in the county of Limricke; and that there is due for admeasuring the same, according to his contract, the summ of 62^l 7^s 7^d; both which summes amount together unto 156^l 7^s 7^d, and are justly due unto him.

ED. ROBERTS.

ROB^T. GORGE.

By

18th of Ffbruary, 1658.

By his Highness the Lord Protectors Councill, &c.

It appearing by the report of the Auditors-Generall, dated the 18th of this instant February, touching the accompt of Dr William Pettyes of 3784^l 15^s, for surveying the Commonwealth lands, that there is an arreare of the summe of 94^l remaining due unto him thereupon; and further, that he was never satisfiyed for admeasuring the barony of Owney Beg, in the county of Limricke, for which there is alsoe due unto him, according to his contract, the summe of 62^l 7^s 7^d, both which summes amount together unto the summe of 156^l 7^s 7^d, itt is thought fitt and ordered that James Standish, Esq., Receiver-Generall, doe, out of such moneys of his Highness revenue as are or shall come to his hands, issue forth and pay unto the said Dr William Petty the said summe of one hundred fifty and six pounds, seaven shillings, and seaven pence, in full discharge and satisfaction of all his demands from the State upon the accompt before mentioned, taking his receipt accordingly; and for soe doeing this shall bee a warrant. Dated at the Councill chamber, in Dublyn, the 21th of February, 1658.

WM. STEELE, Canc.
MILES CORBETT.
WM. BURY.

CHAPTER XIII.

HITHERTO hath been spoken of examining, accompting, and paying for the said survey; it followes next to sett forth the manner of taking up the contract and bond given for performance of the same.

The survey being delivered in about the beginning of March, 1658, itt seemed reasonable that twelvemoneth after that time the Dr should be totally discharged from all manner of obligations concerning the same. Now, at the exspiration of the said twelve moneths, three of the Councill being goeing judges of assize, and were therefore to be absent about the beginning of March, 1658, when twas thought fitt to desire the said discharge, the Dr did somewhat before that time present the following petition, viz^t:

to

TO HIS HIGHNESS THE LORD PROTECTORS COUNCILL FOR THE AFFAIRES OF
IRELAND.

The humble Petition of Dr William Petty

Sheweth,

That the time being now come when your petitioner ought, if ever, to bee discharged from his contract for surveying, and of his bonds given for performance of the same, hee humbly prayeth that the same may be done accordingly, before some of your Lordshipps, the judges, bee called from the Council to the circuit, to the end that ample satisfaction may be given and taken from your Lordshipps granting of the same, and such as is suitable to the creditt and reputation of your petitioner herein.

Who shall ever pray, &c.

W^M. PETTY.

By His Highnesse the Lord Protectors Councill for the Affaires of Ireland.

Vppon consideration had of the within petition of Dr William Petty, praying to bee discharged from his contract for surveying, and of his bonds given for performance thereof; ordered, that it bee referred to Mr. Atturney-General Basill to consider thereoff, and of the contract made with the petitioner, and allsoe of all such orders of this board as relate thereto, true coppies whereoff are hereunto annexed; and upon due consideration had of the said contract and orders, to report his opinion unto the board, whether it bee fitt the petitioner should bee discharged as yett of the said contract and bond. Dated at the Council chamber in Dublyn, 23th of Ffbruary, 1659 [1656?]

THO. HERBERT, *Clerke of the Councill.*

In answer to this reference, after a terrible examination of all particulars, the Attorney-General makes the following report, viz^t:

To the Right Honourable His Highness the Lord Protectors Councill for the Affaires of Ireland.

May it please your Lordshipps,

In obedience to your Lordshipps order of reference to me directed uppon the petition of Dr Petty, bearing date the 23th of February, 1656, and hereunto annexed,

annexed, I have examined the matter to mee referred, and there was produced before me a copy of certaine articles of agreement, attested by Tho. Herbert, Clerke of the Councill, to bee a true copy, bearing date the 11th of December, 1654, made betweene Benjamin Worseley, Esqr., Surveyor-Generall, by the appointment of the Right Honourable the Lord Deputy and Councill of Ireland, on the behalfe of the Commonwealth, of the one part, and the said Dr William Petty on the other part, which said copy is hereunto annexed; for performance whereoff the petitioner alledgedeth a bond of ffour thousand pounds was by himselfe and others given; and which said articles the said Doctor William Petty affirmeth he hath performed, and for proove thereof produceth before mee,

1st. The copy of an order from your Lordshipps, dated the 10th of March, 1655, attested by Tho. Herbert, Clerke of the Councill, whereby it appeareth that the petitioner then had tendered to your Lordshipps an accompt of the whole survey by him undertaken, and that the same was put then into a way of examination by your Lordshipps, whether the petitioner (*re verâ*) had performed the severall parts of his agreement, and whether there were any failure on his part, and wherein.

2dly. Hee produceth another order, dated the 11th of March aforesaid, and attested as aforesaid, whereby the premisses were referred to a committee of artists, which said committee, or any three or more of them, were to examine, by the best wayes they could, the truth of the originall ffield books and plotts relateing thereunto, and to enquire into the true performance of the exact method and keeping the said ffield bookes and plotts, and such other wayes as they should conceive fitt for the better examining and checquing the said worke, and for exsperimenting the truth of the said Dr^r undertaking.

3dly. Hee hath produced a copy of the report of the said committee last mentioned, made unto your Lordshipps, bearing date the 17th of March, 1655, attested as aforesaid, the copy whereof is hereunto annexed, whereby they, having declared unto your Lordshipps that they had considered the ability of the persons employed in the ffield worke, the instructions given them, the method of the ffield books, the way of protracting and casting up, and what cheques were appointed for the said worke,—having considered of the said particulars, doe not exspress any dislike or exceptions to the performance of the said articles, by all the tests or wayes of examination exspressed to have been made by them; only they deliver their opinion that whatever fault might lurke in the
said

said worke could bee noe otherwise found then by the care of the respective persons therein concerned, as may at large appeare by the copy of the said report hereunto annexed.

4thly. The petitioner produced another order, bearing date the 26th of November, 1656, attested as aforesaid, whereby it appeareth that your Lordshipps having considered of a report of the auditors of His Highness Court of Exchequer upon the accompt of the said Dr Petty, concerning the said admeasurement, did direct the said auditors to consider thereof, and to prepare such a declaration or order of discharge for him, the said Dr, as the said auditors should conceive fitt to bee passed by your Lordshipps upon the said accompts.

5thly. The said Dr Petty produceth another order of your Lordshipps, dated the 28th of November aforesaid, and attested as aforesaid, whereby your Lordshipps doe acknowledge that there was due unto the said Doctor 3784^l 15^s 4^d upon the foot of the said accompt, which your Lordshipps did thereby allow and approve of, with a provizoe that the said accompt should not extend to 2054^l mentioned in the said order, which the said Dr alledgedeth was to bee reimbursed to your Lordshipps by the said Doctor for grosse admeasurement, according to the 11th and 17th articles of his contract, nor unto what shall appeare to be due unto the said Dr for his survey of the countyes of Catherlogh, Wicklow, and Limricke.

6thly. The petitioner produced another order, dated the third of Aprille, 1657, whereby itt appeareth that your Lordshipps gave an allowance of an accompt relating to both those particulars, whereunto the said last mentioned order did not extend, that is to say, the said 2054^l, to bee reimbursed to your Lordshipps, and what was due unto the petitioner for his survey of the said countyes of Catherlogh, Wickelow, and Limricke.

Moreover I find by the second article of the said contract, that the said Dr Petty was to subdivide the lands by him admeasured into the lowest denominations, into soe many other smaller parcells as should bee requisite particularly to satisfie each man his respective arreare, without any readmeasurement, and by the tenth article that hee was to compleat all the surveyes mentioned in the said articles, and to returne the plotts, mapps, and bookees of reference, within one yeare and one moneth next after the date of the said articles; and by the eighth article, the said Dr Petty was, with the returne of such books, to note and mention all such subdivisions of lands as should be made to each particular per-

son; and by the nineteenth article, that whatsoever complaint should be made against the said survey should bee exhibited within twelve moneths after the said subdivision mentioned in the fforgoeing articles of the said contract should bee made and given, and not afterwards; and there was likewise produced before me a copy of an order of your Lordshipps, bearing date the 20th of July, 1655, attested by Thomas Herbert, Clerke of the Councill, for allowing the rents and profitts issueing out of the forfeited lands unto the army, untill the said lands should bee divided and layd out by the downe admeasurement; and whereby it is desired that the counties desired for collaterall security are not disposeable for satisfying the army, untill it should appear what surplusage might arise from the moyety of the ten countyes ordered for the satisfaction of the adventurers, and out of the county of Lowth. And the petitioner doeth thereupon affirme, that the performance of the subdivision within the thirteene moneths afore mentioned became to him impossible, forasmuch as he could not, according to the said last mentioned order, subdivide or dispose of the lands untill the said surplusage of the adventurers lands, [and] the county of Lowth, were first knowne, which are yet, as he affirmes, unknowne, without any undertaking of his, or default in him. The petitioner doeth allsoe affirme that he could not subdivide the lands according [to] the second article of the said contract, by reason the said lands did not hold out to give the army their full satisfaction, as in the said articles was supposed; nor could it bee knowne unto what proportion of satisfaction the said lands would extend, unless the downe admeasurement of the whole were first finished; all which he doeth affirme is well knowne unto your Lordshipps, and says that it had been as easy for him to have performed the downe admeasurement and subdivision both together, according to the intention of the said contract, as in the second, eight, and tenth articles thereof aforementioned is implied, as to have performed the downe admeasurement alone by it selfe, as by your Lordshipps said order, and the exigencies before mentioned, hee affirmeth he was forced to doe. And as to the petitioner being bound twelve moneths after posession given of the said lands, the petitioner alledgedh that he understood the time of possession to bee when the army might have entered into possession, and might have examined the truth of his performance according to the tenor of the said articles, alledging allsoe that he never intended the said twelvemonthes of his probation should begin from the time of that legall and abeolute possession which your Lordshippe only can give,

and

and which is noe ways in his power either to further or hinder; and says that it was not in his power to bring men in that sence to take their lands, even when he had admeasured the same for them. Soe that uppon the whole matter, if your Lordshipps bee satisfyed that the downe admeasurement was sufficiently performed, as is alledeaged; and that the reason why the subdivision and setting out lands was not performed, according to the very letter of the contract, was not through the petitioners default; and that noe other matter appeares unto your Lordshipps then what hath been produced unto me as afforesaid; and that the bond entered into by the petitioner and his sureties was conditioned only for performance of the said articles, which bond the petitioner could not, as hee alledgedeth, produce unto me, being in your Lordshipps custody; and that there be noe other then what at present appeareth unto mee: then I am humbly of opinion that there is much equity why the petitioner should bee discharged from his said contract and bond, as is desired; which I nevertheless humbly submitt into your Lordshipps consideration and judgement.

WILL. BASILL.

Dublyn, 13th of April,
1657.

. By his Highness the Lord Protectors Councill for the Affaires of Ireland.

The Councill having duly considered of an humble petition presented by Dr William Petty, praying to be discharged from his contract for surveying the forfeited lands therein mentioned, and of his bond given for performance thereof; as allsoe of a report made by M^r Attorney-General, to whom the consideration thereof was referred, and upon perusal of former orders and reports made in the case, thinke fitt to declare that, although they are well satisfyed with the Dr^r ingenuity and industry in managing the said worke suitable to his trust and undertaking (noe error or imperfection hitherto appearing to them therein), yett, uppon the whole matter, doe not thinke fitt to release his said security at present. Nevertheless, that there may bee some lymittation of time, it is likewise held fitt, that in case the said Dr William Petty shall, within the space of twelve moneths from and after the first day of October last, correct and amend all such errors as are or shall bee made to appeare in his worke, and that the said Dr Petty doe deliver into the Surveyor-Generalls office the particular mappa, plotts, and bookees of references of all the lands by

him admeasured, as mentioned in the articles of his agreement, itt is held necessary and just that the said Dr bee, at the expiration of the said twelve moneths, to bee computed as afforesaid, discharged from his contract, and that the bond which the said Doctor and his sureties have entered into for performance thereof bee delivered up to bee cancelled. Dated at the Councill chamber, in Dublyn, the 15th of April, 1657.

Tho. HERBERT, Clerke of the Councill.

TO HIS HIGHNESS THE LORD PROTECTORS COUNCILL FOR THE AFFAIRES OF IRELAND.

The humble Petition and Remonstrance of Dr William Petty, being of the Reasons why he ought forthwith to be discharged of his Contract for Surveying, and of the Bond given for Performance of the same.

Humbly sheweth,

That your petitioner (notwithstanding all manner of impediments, both designed and accidentall, occasioned by reason of envy, emulation, competition, and other prejudices, as alsoe through misunderstanding of agreements, the excessive wetness of yeare 1655, the then vigorous prosecution of transplantation, the thinness of the garrisons in respect of guards, the temptations that lay upon the meersmen to abuse your petitioner, the irresolutions of the army as to goeing into possession, the hindrances caused through the disbanding in 1655, and want of countenance from your Lordshipps to correct the abuses and enormities of such as your petitioner employed, with many other obstructions too long to enumerate), did by the blessing of God performe all the surveyes whatsoever by him undertaken, punctually within the time allowed him by his contract.

2dly. That your petitioner hath been putt, contrary to and over and above the intention and meaning of his articles, to performe the whole subdivision by way of readmeasurement, according to a quota or proportion not pitcht upon untill his instruments were wholly returned from the ffield, whereby he hath been forced generally to goe backe againe upon much of the said lands to subdivide them, in some places two yeares after the downe admeasurement of the same, when the markes were worne out, the meersmen transplanted or otherwise removed, when the surveyors who first admeasured them were some

of

of them dead, and others dispersed or otherwise employed. And that hee, your petitioner, hath allways been ready to give satisfaction to the army, by furnishing them with surveyors for that purpose, not only to particular regiments, but allsoe to particular troopes and companyes, and even many times to particular persons, att such times as they demanded the same, though in a stragling and confused manner, and hath taken much paines in asisting them to regulate their agreements concerning the said subdivisions. All which, hee humbly conceiveth, he was noe way obliged unto, neither by the letter or equity of his contract. And your petitioner further offereth, that whatever part of the said subdivision may happen at this time to remaine undone, as the same is inconsiderable in it selfe, soe it hath been caused only by the neglect of the persons concerned, and not through any default of your petitioner, even although he had been obliged to performe the same, which he humbly conceiveth, as aforesaid, he is not; and withall, that the not doeing the said remainders of subdivision is not one penny profit to your petitioner.

3dly. That your petitioner hath, for above thirteene months after the first tender and exhibition of his worke as compleat and perfect, been under a perpetual examination and scrutiny, having been sometimes referred to committees of the Councill, sometimes to officers of the army, sometimes to artists, sometimes to the Surveyor-Generall and such others as he did appoint, sometimes to the auditors of the Exchequer, and oftentimes forward and backward betweene them; and lastly to the Attorney-General, who, having not been conversant with the said business, hath most scrupulously repeated and reinquired into all the former transactions and examinations, and hath, according to law and equity, considered of the contract and all other proceedings betweene your Lordshipps and the petitioner. Uppon all which your petitioner doeth hope that, without any kind of further scruple or delay, he ought to be discharged of the said contract and bond, according to the opinion and advice of the said Attorney-General.

But, to the end that your Lordshipps may doe nothing in the case of your petitioner without most intire and absolute satisfaction, and soe as may allsoe make for the creditt and reputation of your petitioner in his discharge, hee further humbly offereth to your Lordshipps the ensuing considerations and reasons for the said discharge to bee forthwith given him, viz^t:

1st. If your petitioner were not to bee discharged about the third of March last,

last, which is twelve moneths after the first tender of his worke, and putting the same into a way of examination, then there remaines noe other rule where upon to ground the time of his discharge; for if your Lordshipps thinks fitt to commence it from any one of the times of the three generall assignements of lands, as either from September, 1655, or July, 1656, or November, 1656, then according to the greatest assignment, which was that of 1655, your petitioner ought long since to have been discharged; or if in July, 1656, which may bee considered as the meane beetweene two extreames, then he ought to be discharged in July next. But if your Lordshipps should make the latter distribution, viz^t, that of November, to bee the rule of the whole, then, uppon the same account, your petitioner may be obliged twelve moneths even after the straggling debenturers yett unsatisfyed shall have lands assigned for their satisfaction, the time whereof is wholly uncertayne and undetermined, neither have all the debenturers yett to be satisfied as yett appeared, whereby the time of your petitioners discharge would become wholly indefinite and impossible. Nor doth any of those three rules agree with the letter, or equity, or meaning of the contract, neither of them being grounded either upon subdivisions literally or upon possession legally understood, but upon the time of the bare unvouched and alterable assignements only, which your petitioner had noe power as a surveyor to hasten or hinder, having been, as a surveyor, ready for the whole sixmonths before the first was made.

2dly. If your Lordshipps shall thinke fitt to commence the twelvemoneths of aprobation from the time the comissioners received their commission for setting out of lands, the 1st whereof was the twentieth of May, the last the 7th of July, that computation dependeth only upon discretion allsoe, having noe ground in the contract. Neither is it reasonable your petitioner should alone bee put to bear the inconveniences of the backwardness of the commissioners for stating accompts, in making up the great books of the debt, or uppon the varioouse disputes that have happened among the officers of the army about the manner of distributions which have been prosecuted by them, each for their owne particular interest; nor of the oversights, mistakes, and ignorance of all such as have had any way to doe in this business, which manifestly would be, in case your petitioners twelve moneths of approbation should bee from the date of those commissions, which were not granted untill all those disputes and preparations (wherein your petitioner had nothing to doe) were first brought to

to a period. Wherefore your petitioner humbly conceiveth that, rationally, and according to the contract, the said time of probation ought to begin wholly from the time when the whole undertaking was exposed and offered to examination, which, as it hath been managed by your Lordshipps, the officers, Surveyor-Generall, auditors, the Attorney-General, &c., within doores, soe it might have been alsoe collaterally carried in the field by the five generall trustees of the army, constituted in May, 1655, who had authority and instructions from the army to make inspection into all such matters, and uppon whome your petitioner hath sevarall times called uppon for that purpose, viz^t, that they would bring him licence from the Surveyor-General to shew them any of his returnes, that soe they might examine the same, which they having not done ought not to lye as a burthen uppon your petitioner only.

3dly. If the time of legall possession, as the meaning of 19th article, be insisted upon, althoough it bee wholly out of your petitioners power to further or hinder the same, it being wholly in your Lordshipps, whose hands and seales only can make it, and in the partyes concerned to take it, your petitioner offers that it seemes more rationall that the word possession be interpreted to commence from the time when your Lordshipps, by your orders of the 20th and 24th of July, 1655, did assigne over into the hands of the afforesaid generall trustees all the forfeited lands applicable to their satisfaction, allowing them the rents and profits of the same, according to which computation the time of your petitioners discharge is long since expired.

Soe that, according to the most genuine and most proper interpretations, your petitioner ought to have been discharged in March last; and according to many other of the more probable and discretionary interpretations, he ought to have been discharged long since; and that only, according to one interpretation only, which hath noe ground either in the contract or in the nature of the thing itselfe, his said discharge may bee deferred till about November next. He humbly hopeth that your Lordshipps will be rather guided by those interpretations which are most clear and numerouse, and which the Attorney-General, your Lordshipps councill, hath, on the behalfe of the Commonwealth, allowed of, then by that one construction which is the most defective of all others.

Moreover, your petitioner humbly conceiveth that matters of ambiguity ought, in honour and conscience, to be interpreted to his advantage, having
been

been for these two yeares allwayes patient under the frequent irregularities and disorderly impositions of the army, and the exigence of publicke affaires, whereby your petitioners contract hath been often violated; whilst your petitioner, in the first of all the afforementioned difficultyes and intricases, hath not failed in a punctilio, and hath given far greater testimony of his performance then was ever heard of or mentioned in former undertakings of this nature; and hath managed the whole business, both of the survey and setting out lands, in a manner alone, without any just complaint or imputation: all exasperated and discontented persons, whether souldiers or surveyors, having not been able to make good any charge, neither against your petitioners personall actings, nor even against all that unruly multitude of instruments which he hath been forced to employ.

Soe that your petitioner, having behaved himselfe as aforesaid, and consequently, as he humbly conceiveth, having in some measure deserved favour and indulgence, if not connivance at the lessor sort of ffailings, humbly desireth that he may at least have justice; and that the rumors of his gaine, which will not prove, all engagements cleared, above a third part what is noised abroad, may not incline your Lordshipps to unnecessary severity and strictness against him. To which purpose he humbly desires your Lordshipps to remember, that after his contract was signed and sealed, he offered to performe the same for one thousand pounds absolute reward; but was held to his contract by your Lordshipps, noe man being found at that time who, otherwise then in boasting and bravadoes, durst undertake this worke uppon cheaper terms. And your petitioner assureth your Lordshipps that, notwithstanding, by the great mercy of God, he hath run through his whole engagement; yet his advantage therby will not be more then many officers of the army have gotten in a moment, by the bare advantage of a lott, without any trouble or hazard whatsoever.

4thly. The discharge your petitioner desireth neither is nor can be any prejudice to your Lordshipps; ffor—

1st. In the first distributions in 1655, which is about nineteen moneths since; nor that of July, which is nine moneths since; nor in that last made in November, five moneths since, hath there appeared above three complaints, nor those satisfactorily proved, notwithstanding readmeasurements have been generally made since upon all the lands att those three times distributed. From whence your Lordshipps may rationally collect, that there are not likely to appeare

appeare in any for ever hereafter; besides, one moneths time is enough for any examination of each mans particular lott, and att the last distribution in December, those that then tooke out their lands had notice to make all the exceptions they could against the survey, to the end that their orders of possession might bee thereby unalterable, as may appeare under the hands of many of the officers therein concerned. Neither will it bee safe for your Lordshipps to sign letters of possession, untill the foundation thereof (which is the survey) hath past its full examination and time of probation, which, if your Lordshipps doe not thinke is compleated, and your petitioner fitt to bee discharged, then the army must stay for their legall possession untill the same be soe compleated, and your petitioner discharged.

2dly. Itt is not for your Lordshipps advantage even to bind your petitioner, or to conceive yourselves obliged to take notice of such faults; for your Lordshipps shall hear only of the want of measure, but never of what is over, complaints of that kind having hitherto allwayes appeared to bee grounded uppon mistakes in the mearers, or uppon the partiallity of the surveyors which the complainants have employed. Now if your Lordshipps should condescend to send downe a surveyor to review the said complaint, itt is likely that, whether the same be right or wrong, the said surveyors, or his mearers, who possibly are tenants to the land, shall be wrought upon to abuse your Lordshipps therein. Neither is it unjust in this case, where soe few faults have appeared, and those soe inconsiderable and uncertainly proved, that such complaint should be denied to be repaired by your Lordshipps, since that parcell which happened to be a litle defective was given out by lott, and consequently might have as much exceeded the content for which it was given.

3dly. The reparation of such defects ought to be made out of such overplus as the complainant can find out, ffor then he that hath the overplus and hee that complains of defects will be better checques uppon one anothers resurveyes then any your Lordshipps can put over them.

Wherefore since your petitioner his being longer detained is neither advantage to your Lordshipps or the army, he humbly desireth that he may not be causlesly burthened therewith. It is not to save any charges for himselfe, nor to withdraw himselfe from the rectification of any thing that shall be amiss, that your petitioner desireth this discharge; ffor as he is bound for ever to the latter by his creditt and reputation, which he hath noe way hitherto been prodigall

of, soe he hath others obliged unto himselfe for performance of the same ; neither shall your petitioner be at a penny more charge whether faults bee amended or not, hee being at a certainty with his under workmen, as may appeare by their severall contracts.

Soe that the reasons wherefore your petitioner, in respect of himselfe, desireth this discharge, are these, viz^t:

1st. That he may give satisfaction to the world, who now exspect this discharge, and unto whome he hath, by presumpton of his afforesaid right, promised it, and not render himselfe suspected of some secret miscarriage, for which the same should be denied unto him.

2dly. That he may bee free to dispose of himselfe, his relations, and estate, which, beeing under bonds in the Exchequer, he is hindered to doe, the same much impairing his creditt and reputation in the world.

3dly. That he may give unto such as have been faithfull and industriouse under him such rewards and gratuityes as he hath promised unto them uppon his discharge, soe that such persons may not thinke your petitioner intends to cheat and delude them thereoff, they being no wayes able to comprehend why the discharge of your petitioner, and consequently their owne exspectations, should bee thus retarded.

4thly. That the under surveyors who stand bound to your petitioner may not become, through this long delay, insolvent as to their respective engagements, which they are likely to bee when they have received all their moneys, as they shortly must doe by their contracts, in case your petitioners discharge be deferred any long time after the time of their payment. But,

Lastly and cheifly, that your petitioner having given counter security to his suretyes to deliver them up their bonds by a day now near at hand, may not be exspoused to ruine by want thereoff, and lye at their mercy, who may both directly and indirectly much trouble your petitioner uppon the occasion of this nonperformance.

Moreover your petitioner desires your Lordshipps to understand that your petitioner beeing kept bound, especially, as he conceiveth, without cause, is not thereby made the more fitt to doe your Lordshipps service, but in a manner disabled thereunto, your petitioner being naturally unapt to act vigorously and cheerfully when hee findeth himselfe incumbred with needless cloggs or fletters, and exspoused to the hazard of contingent revolutions, and to be sacrificed

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att the wills and lusts of such as have been exasperated, only to doe your Lordshipps service in a way of justice and uprightness.

Moreover, how can your Lordshipps exspect that your petitioner can act cheerefully upon his present most difficult commissions of setting out lands, for which he hath noe knowledge what his reward shall bee, in case he findeth himselfe soe out of favour with your Lordshipps, or his services soe little valued that he can not obtaine in reason and equity, and even according to the opinion of the Attorney-General afforesaid, and all indifferent persons, doth belong unto him, which is his present discharge.

If, notwithstanding all that have been said, itt appeare necessary, for any private reasons best knowne to your Lordshipps, that your petitioner or others ought to stand bound for a longer time, your petitioner propoundeth that hee may have his present bonds, according to his right, to satisfye his sureties, and for the other ends afore mentioned; and thereupon he offereth to enter into new bonds, and to give new security, according to the nature of the reasons for which your Lordshipps doe desire the same; and upon this accompt he propoundeth to stand bound for one year or three yeares, or seven yeares, nay, for twenty yeares, as your Lordshipps shall thinke fit, to make good all manner of exceptions that shall happen concerning his survey within the same termes respectively, provided that a reasonable premium or consideration may be given him for his extraordinary insurance.

Or, lastly, if your petitioner may have his owne bonds forthwith, that soe he may be free to dispose of himselfe and of his estate, and particularly for the redemption of some mortgages, according to what your Lordshipps were pleased to grant him uppon a late petition, hee will offer an exspedient how any complaint which shall appeare within three or four moneths yett to come shall be answered without any further trouble or charge to your Lordshipps. In June following, when the army had been above six moneths in posession of their lands, uppon a kind of essay and draught only, having noe authentique warrant or order for their holdings, and when it was tould them that such warrants could not be granted but uppon authentick surveys, remaining as publicke records in the Court of Exchequer, whither it was not safe for Dr William Petty to send them untill hee had his discharge concerning them, the army, being convinced of the reasonableness thereof, present the following petition:

TO HIS HIGHNESS THE LORD PROTECTORS COUNCILL FOR THE AFFAIRES OF
IRELAND.

*The humble Petition of the Officers, Agents, and others concerned in the
Lands sett forth for Satisfaction of the Army,*

Sheweth,

That your petitioners, without certificats under two of your Lordshipps hands and seales, exspressing the names and quantityes of the severall parcells of land sett out unto them, can not by the Act of Parliament be in possession thereoff, nor consequently legally set the same, nor sue or implead any who, upon frivilous pretence, shall keep them out of possession, or deny their rents.

That your Lordshipps cannot make the said certificate, as to the number of acres contained in each parcell, without, even by your Lordshipps said act, allowing Dr Pettyes survey of the same; nor can the Commissioners for setting out lands give in any certificates as to the said contents untill the said Dr Petty have first vouched: the survey being the foundation of all the rest.

And lastly, the said Dr alleadgeth that he ought to receive his discharge from his bonds and contract relating to the said survey, when he voucheth the same as afforesaid; which your petitioners allsoe thinking reasonable, doe humbly desire your Lordshipps to grant unto him accordingly, provided that thereby your petitioners be not excluded from such reprizalls, or just satisfaction, as is due according to the acts and ordinances of Parliament.

HAR. WALLER.
CHA. COOTE.
CHUDLEY. COOT.
HENRY PRITTY.
HEN. INGOLDSBY.
THO. LONG.
HEN. JONES.
JO. READ.
WM. WARDEN.
ABT. PUREFOY.
JO. CAMBELL.
ABELL WARREN.

ROB. BARROW.
ED. ROBERTS.
JAMES STANDISH.
RA. KING.
SYMON FFINCH.
RIC. STEPHENS.
GEO. WILTON.
THO. SHEAPHEARD.
JA. STOPFORD.
OLIV. ST. GEORGE.
GEO. INGOLDSBY.
ROB. PRESTON.

ALEX.

ALEX. STAPLES.	JO. MANSELL.
WM. SHAW.	JO. FFRIND.
JON. PONSONBY.	JO. FFRANKE.
JO. BENNETT.	EDW. WARREN.
JO. THOMPSON.	AN. YARDLEY.
CHA. DUKE.	TOBIAS PEAKER.
JA. LEIGH.	JA. RUSSELL.
EDW. WARRINGTON.	

By His Highness the Lord Protectors Councill for the Affaires of Ireland.

The Councill taking into consideration a late petition presented unto this board by the officers, agents, and others concerned in the lands sett forth for satisfaction of the army, representing unto this board that without a certificate under two of the Councells hands and seales, exspresseing the names and quantities of the severall parcells sett out unto them, they can not legally be deemed in possession, and that such certificates can not be made without allowing Dr Pettyes survey, nor can the commissioners for setting out lands to the army give any certificate as to the contents untill the said Dr have vouched the surveyes, the same being the ground work to all the rest; and the said Dr alledging that, before he vouched the same, he ought to have his bond and contract discharged, and thereupon praying that the same may be granted him, provided thereby the petitioners bee not secluded from such reprizalls or just satisfaction as are due by the Acts and ordinances of Parliament; and whereas the Surveyor-Generall or his deputy is, by order of this board bearing date with these presents, required to receive and give certificat under either of their hands and seales for receipt into the said Surveyors-Generalls office of the particular plotts, and booke of reference unto them belonging, of all the forfeited and other lands admeasured by Dr William Petty within the barronyes and countyes mentioned in the first of the articles made betweene him the said Dr Petty and the said Surveyor-Generall on behalfe of the State, dated the 11th of December, 1654; and whereas the Councill have considered of a former order of this board, dated the 15th of Aprill last, declaring that the Councill was well satisfyed with the said Dr ingenuity and industry in managing the worke of survey suitable to his trust and undertaking, noe error or imperfection then appearing to them therein;

and

and likewise of the twelvth article of the agreement before mentioned, whereby the said Doctor did covenant and engage to give in sufficient security for ffour thousand pounds, by bond or otherwise, for the true and full performance of all and every the said articles, which was accordingly done: it is uppon the whole thought fitt, and hereby ordered, that uppon the said Dr producing the certificat before mentioned unto the Chancellour and Cheif Baron of His Highness Court of Exchequer in Ireland, that then the said bond bee delivered up to the said Doctor to bee cancelled, and for soe doeing this shall be a sufficient warrant. Dated at the Councill chamber in Dublyn, the seaventeenth day of June, 1657.

THO. HERBERT, *Clerke of the Councill.*

By His Highness the Lord Protectors Councill for the Affaires of Ireland.

Ordered,

That the Surveyor-Generall or his deputy doe receive from Dr William Petty, and certifie under their hands and seales, their receipt into the Surveyor-Generalls office of the particular plotts and bookees of reference unto them belonging, fairely engrossed, of all the forfeited and other lands by him admeasured in the barronyes and countyes mentioned in the first of the articles made betweene him, the said Doctor, and the said Surveyor-Generall on the behalfe of the State, bearing date the 11th of December, 1654. Dated at the Councill chamber in Dublyn, the 17th of June, 1657.

THO. HERBERT, *Clerke of the Councille.*

In pursuance of an order of His Highness Councell for the affaires of Ireland, dated the 15th of June, 1657, commanding the Surveyor-Generall or his deputy to receive from Dr William Petty, and to give certificat under either of their hands and seales for receipt into the said Surveyor-Generalls office of the particular plotts and bookees of reference unto them belonging, fairely engrossed, of all the forfeited and other lands by him admeasured in the barronyes and countyes mentioned in the first of the articles made betweene him, the said Dr, on the behalfe of the State, dated the eleventh of December, 1654, I doe hereby certifie under my hand and seale to have received particular plotts, with bookees of reference belonging to the said plotts respectively, fairly engrossed and bound up, of all the forfeited lands, both profitable and unprofitable, within the bar-

ronyes

ronyes of the ten halfe countyes appointed by lott for the satisfaction of the arreares of the officers and souldiers in Ireland, mentioned in the late Act for satisfaction of the adventurers, officers, and souldiers, of the 26th of September, 1653, and allsoe within any the countyes of Wexford, Wicklow, Kilkenny, Kerrey, Longford, Cork, Kildare, Tyrone, London Derrey, and Donnegall, appointed as additionall satisfaction for the arreares of the said souldiers, as allsoe the forfeited lands in the countyes of Dublyn, Catherlogh, and the then remaining part of Corke, together with the crowne lands and lands heretofore belonging to any archbischopp, bishopp, deane, deane and chapter, or any other officer appertaining to the hierarchy, in the right of his or their office, which are lying in any of the aforesaid baronyes and counties, being all the lands mentioned in the said first article. In wittness whereof I have hereunto sett my hand and seale, the 24th of June, 1657.

CHA. GOUGH, Deputy Surveyor-Generall.

Witnesses to the signing, sealing,
and delivery hereoff,

WM. TREVIS.

GEO. BATES.

All books, being with the respective mappes well drawne and adorned, being fairly engrossed, bound up, indexed, and distinguished, were placed into a noble repository of carved worke, and soe delivered into the Exchequer; and upon a motion made the 18th of December the Surveyor-Generall brought the contract into the Councill, where the same was mutually delivered up and cancelled in full Councill, and the following order made:

By the Lord Deputy and Council.

Ordered,

That Collonell Thomas Herbert, Clerke of the Councill, doe examine the originall articles of agreement made betweene Dr William Petty and Benjamin Worsley, Esq., Surveyor-Generall, on behalfe of the State, concerning the said Doctors admeasurement of the forfeited lands assignable for the satisfaction of the army, and this day, by order of the board, delivered up, with the entry made in the Councill's booke; and, finding the same right entered, he is thereupon to cancell the said articles, that the said Dr may bee fully discharged thereoff. Councill chamber, Dublyn, the 18th of December, 1657.

Tho. HERBERT, Clerke of the Councill.
CHAPTER

CHAPTER XIV.

THE survey being thus sett forth and described in its beginning, proceeding, and finishing, the next service and suffering of Dr Petty was in the distribution and setting forth of the lands soe by him admeasured, the which therefore is next to bee described, at least soe farr forth as relates to this purpose, for to doe the same perfectly would require a treatise by it selfe, which probably may in due time allsoe be published.

In order to this description it is to bee noted, that in the year 1653 the ffources then disbanded did receive their lands all at enhanced rates, yett soe regulated as that all had, as neer as could be guessed, equall satisfaction, in soe much that, to calculate the *quota pars* or proportion which they were satisfyed, regard must be had to the whole party as one man, considering only what proportion the Act rates of the whole land then sett forth beares to the enhanced rates of the same, viz^t, whether $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$, &c., not saying that those in Lowth have but halfe, and those of Longford have their whole, and the like.

The persons then disbanded, by vertue of the generall resolves of the army made in November, 1653, claime right to a further satisfaction equall to the rest of the army now henceforth to bee satisfyed, the doing whereoff is recommended in the commission of the 17th of July hereafter inserted.

By His Highness the Lord Protectors Councill for the Affaires of Ireland.

Whereas, for the equall dividing and subdividing of the forfeited lands in the baronyes within the moytie of the ten countyes appropriated to the officers and souldiers within the provinces of Leinster, Munster, and Ullster, it is provided by Act of Parliament bearing date the 26th of September, 1653, entituled An Act for the speedy and effectuall Satisfaction of the Adventurers for Lands in Ireland, and of the Arreares due to the Souldiery there, and of other Publicke Debts, and for the Encouragement of Protestants to plant and inhabit Ireland, that the then committee of Parliament, which power is since devolved uppon the Councill, or such as they shall appoint, are fully impowered and authorized to distribute and sett forth unto the said officers and souldiers, answerable to their

their respective arrears, their severall proportions of lands, by lott or mutuall agreements, amongst the said officers and souldiers, in pursuance of the said authority, and of the further power and trust committed unto us by his Highness the Lord Protector, itt is ordered and declared that Vincent Gookin, William Petty, and Miles Symner, Esqrs., or any two or more of them, be and they are hereby appointed commissioners for the equall distributing and setting forth to the officers and souldiers all the afforesaid forfeited lands, in satisfaction of the arrears due unto them for service in Ireland since the 6th of June, 1649, and for their English arrears due before the said 6th of June, 1649. According to the rules and directions given by the said Act, in the doeing of which the said Vincent Gookin, William Petty, and Miles Symner, are to take care and provide that due satisfaction bee from time to time had and made for all just reprizalls that are or shall bee adjudged and ordered by the Councill, or courts of justice, or such commissioners as by the said Councill are or shall bee authorized thereunto; as likewise for the answering the promise and engagement made with the disbanded officers and souldiers, in 1653, by the generall councill of the army. And what the said Vincent Gookin, William Petty, and Miles Symner, or any two or more of them, shall doe or act, in pursuance of this commission, they are from time to time to certifie to this board, in writeing, to the intent that such further proceedings may bee had thereupon as shall satisfie the ends of the said Act. Dated at the Councill chamber, the 7th of July, 1656.

Tho. HERBERT, Clerke of the Councill.

Itt is allsoe to bee noted, that the yett unsatisfyed part of the army, as by their adress to the Councill of the 13th of July, 1655, may appeare, would have the said disbanded men looked uppon as sufficiently paid; among other reasons, for that they had their arrears for service before 1649 paid unto them, which themselves were not to have, which difference is allsoe to bee noted.

The barronyes appointed to the said disbanded hapened to bee sett out in such an imperfect manner, and the trust thereoff soe far committed to the persons concerned themselves, that noe particular accompt of what was then done did ever appeare as a light to what was further to bee done.

There was another party, viz^t, about sixty troopes and companyes, satisfied, anno 1655, according to their full allowance, who left many scrapps and pieces

of baronyes, the which were allsoe but imperfectly sett downe, though much better then those aforementioned, because those of 1655 had the true contents and scituations of each parcell before them for their directions, which those of 1653 had not.

The courts for adjudication of Protestants claimes, the proofe of Papists constant good affection, and an authority for making compositions, as allsoe commissioners for stating new debentures, were att this time all and every of them acting respectively.

The six trustees of the army, authorized by an above mentioned commission, dated the 20th of May, 1656, consisting of three persons unconcerned in arreares, and of three active agents (viz'), one for each province, were not able to compose the differences arising amongst the officers, especially concerning the disposure of Kerrey, insomuch as the last mentioned commission, dated the 7th of July, issueth to the three unconcerned persons only therein mentioned.

Now it followes from the premisses, that the said three commissioners were—

1st. To give equall and proportionable satisfaction to all the unsatisfyed part of the army; and that, according to the severall resolves and rates of generall councill, viz', those of November, 1653, Aprill, 1654, and July, 1655, and according to severall speciall orders of the Councill, and the severall provinciall, particular, and subparticular agreements made betweene and relating to the severall persons concerned respectively, the resolves of the two former of these councill are extant in print, and the latter sett downe in the [IX.] chapter of this treatise.

2dly. To dispose of the course lands of Kerrey in the most satisfactory way, and not repugnant to the above mentioned resolves and particular agreement, and withall to take care both for the preventing the necessity of reprizalls, and for making of exchanges in reparation, where such accidents required them; and lastly, to give satisfaction in all just complaints upon shortness of measure, unprofitable land imposed as profitable.

This being the worke to bee done, itt followes next to be declared by what generall operations the same was to bee effected, considering the ragged condition that this affaire was in by reason of the preceeding irregular, imperfect, and indeed obscure actings, anno 1653 and 1655, and of the other uncertainties of debt and creditt, as allsoe of the clashing interests above mentioned, the which generall operations were these following:

1st. Reducing

1st. Reducing all the troopes and companyes of the army into such divisions as they stood in *anno 1654*, when they cast their lotts, which an establishment made since that time had disordered.

2dly. In pitching such a *quota pars* or proportion, wherein to satisfie the said army, as might consist with the commissioners obligation as to the further satisfaction of those disbanded *anno 1653*; and allsoe as to such reprizalls as might happen on past or future satisfaction.

3dly. In associating debentures duely, that is, in placing such and such together as might best answer the rules of the afforemented Council, Aprill, 1654, with such few exceptions as invincible necessity required; as allsoe in making out lands for the grand divisions, especially those of Munster, with due reservations, as above required.

To his Highness the Lord Protectors Councill for the Affaires of Ireland.

May it please your Lordshipps:

Whereas there are dayly applications to us, by severall persons who pretend a desire to plant, if they might be accommodated by a proportion of land convenient thereunto, by joyning of severall small debentures together, though of severall regiments, which thing wee are doubtfull wee have noe power to doe, by reason of some resolves formerly made by the generall council; yett in regard the doeing of the same will not tend to the damage of any person or lott, but would much tend to the preservation of many poor people from ruine, whose whole estates is therein concerned, and allsoe to the planting of Ireland, wee humbly conceive it were a worke of charity and publicke advantage for your Lordshipps to give a rule herein; all which wee humbly submitt, &c.
Dated at the Castle of Dublyn, the 25th of June, 1656.

Signed in the name and by order of the commissioners,

AN. MORGAN.

4thly. In ascertaining what lands were disposeable, in pursuance of all Acts of Parliament, and of the ensuing order of the Council, as allsoe of the practise of the preceeding yeare, 1655, and right reason, with the rules of distinguishing and neating the said disposeable land from such as were not; moreover, in the deriving of warrant for every thing that was done therein from the most authentique ground extant, as allsoe in executing the said business by meanes

not lyeable to any deceit or injury; and lastly, in the manner of disposing afterwards the lands then withdrawne as indisposeable.

By the Lord Deputy and Councill.

Whereas a doubt hath been propounded by the Surveyor-General, concerning the giving possession of severall lands admeasured and returned, both in the barronyes belonging to the adventurers and souldiers, by reason that some are, by orders from this board, suspended from being disposed or sett out to any untill further pleasure; by reason allsoe that others, althoough decreed away by the court for adjudicature of claimes, are only mentioned at large in the county, without specifying the barony where the said lands doe lye: uppon consideration had thereoff, as likewise that titles for many lands are still depending before the courts of his Highness Exchequer, itt is held adviseable by the said Councill, and accordingly ordered, that in all such barronyes, whether belonging to the adventurers or souldiers, where the said Surveyor-General shall find any lands doubtfull or incumbred as afforesaid, and shall have noe sufficient ground before him whereby to judge whether the said lands bee certainly forfeited or not, the said Surveyor-General, for the better preventing of all disorders and inconveniencies that might otherwise happen, both to proprietors and to the said adventurers and souldiers, is in all such cases required and authorized to respit the said lands from beeing disposed of, whereof both the said Surveyor-General and all others concerned are to take notice. Dublyn Castle, 17th of January, 1655.

Tho. HERBERT, Clerke of the Councill.

5thly. In bringing all the said disposeable lands into such files of contiguity or strings of succession as might render the armyes former proceedings a true and genuine lottery indeed, which tis certaine was never soe before.

6thly. In setting rates upon the lands soe ranged into strings, in order whereunto was the following resolve made about odd roots and perches:

The 24th of July, 1656.

M^d. The officers of the army, having mett, agreed that all advancements and abatements made upon the rates of lands, over and above the Act rates, be made by even groates, for the more easie and just casting up of debentures, viz^t, by adding

adding 16^{ll} 13^s 4^d, or 33^{ll} 6^s 8^d, to the respective fifty pounds whereof the equalized rates doe consist. That proportions of lands, consisting of odd roods and perches, bee esteemed for whole or halfe acres.

6thly. In the due placing of loose debentures, viz^t, such as were not brought in by the agents with the body of the debentures belonging to each troop or company.

8thly. In disposing and managing of lottery it selfe, and the manner of giving of the agents satisfaction, that the said association of debentures, neatting, stringing, and rating of the respective lands, as allsoe the casting of lotts, was well and uprightly managed, as by the following order may appeare:

By the Commissioners for setting forth Lands to the Army.

The agents of the westerne division of Leinster, in order to an examination of what had been done and propounded by the said Commissioners, concerning the truth of the order of the succession of their baronies, and of the injury they conceive they have received from the said Commissioners, touching the rating of the said baronies, doe desire the neat content of every barony supposed to be within their lott, and allsoe the debt of every regiment, troope, and company comprehended within the same, itt is ordered that the neat booke of the said lands, with the mapps of each of the baronyes, the booke of the doubtfull lands within the limitts of their security, together with the lists of the said debt, and of the affixed loose debentures of each regiment respectively, to bee delivered into the particular care and charge of Captain Edward Warren, whom Thomas Taylor is to attend upon the said examinations; and that the severall books and papers above mentioned bee delivered to the said Captain with all speed. Dated the 6th of December, 1656.

M^d. This order was entered into the Commissioners booke at the request of the above mentioned agents, and executed accordingly.

9thly. In the manner of repairing shortness of measure and damageable mistakes as to the quality, when any man complained his land wanted measure, ffor as much as it was not easie to know whether there was such a fault or noe, nor whether the same was in the mearesmen or measurers; moreover itt was hard to send forth such a new measurer as might not either bee abused by such meeresmen as might be putt upon him, or tempted by the party complaining, the State having noe security on their parts; and lastly, fforasmuch as it was easily

easily conceived that, as there might bee faults of shortness, soe there might bee others of the contrary kind, of which the State should never heare; itt was therefore thought fitt to give the complainant leave to admeasure any mans allottment, within a certaine scope, where he suspected an overplus, the which if he thought he had found, he was then to goe to the owner of that overplus, and with him to agree upon some such surveyor whome they could both trust, the which might measure both the supposed overplus of the one, and the supposed defect of the other; itt being ordered that, in case the said indifferent surveyor did find but the overplus and the defect complained of to bee reall, that reparation should be made the one out of the other.

In the like manner, as to unprofitable lands, if, for example, in a parcell of five hundred acres, whereof but one hundred acres was returned unprofitable, complaint was made that there was really two hundred acres such, and perhapps one hundred acres more of very course land, and such as can but barely bee accompted profitable, itt was thought fit, in this case, to suspend the one hundred acres in dispute, and to give the party complaining one hundred acres for it, as the worst of his profitable was, not admitting him to a new lott or possibility to have, instead of his one hundred acres of disputable, another one hundred acres better than the very best of his whole allottment.

10thly. In making out exchanges and reprizalls, according to the great variety of cases hapening thereupon.

11thly. In preventing the collusion and abuses offered to the State upon these occasions.

12thly. In answering the Councill's speciall orders, as to the dispose of scraps and remnants, and of the variouse considerations which the said Councill had in the liberty they then used, and when they conceived any further lottery was as well prejudiciale as impracticable.

All which several operations, with the appurtenances unto them, were, after the body of the arny was accordingly satisfyed, presented to the Councill, as a kind of an accompt of that affaire, and in order to receive their further directions thereupon in the following paper:

TO

TO HIS HIGHNESS THE LORD PROTECTORS COUNCILL FOR THE AFFAIRE OF
IRELAND.

*The Accompt of all Proceedings relateing to the setting forth Lands for
Satisfaction of the Armyes Arreares may bee comprehended under the
following Particulars, viz^t:*

A narrative of all orders which have been issued from the Councill to committees, the proceedings of severall assemblies of the officers of the army and regimentall agents, and particularly those of November, 1653, and Aprill, 1654, with the severall disbandings which have been made in the yeare 1653 and 1655, and the severall conditions allowed them, as alsoe of the severall surveyes and other representations of the debt and creditt of the army, which have, from time to time been made, from the beginning untill the first commission of the trustees in May last.

2dly. Of the manner and motives of granting the said commission, with a report and narrative of all proceedings thereupon, viz^t, untill another the present commission gave a *supersedeas* to the former.

[3rdly.] Of our proceedings upon your present commission upon the provinciall divisions of the whole land, and unto the first subdivisions thereof, dividing the whole into six grand lotts, according to the method of the generall Councill of Aprill, 1654, which is just soe farr as was proceeded on the first commission, though in a different way.

4thly. Of the severall differences betweene both the said proceedings and of the reasons thereof.

5thly. Of our proceedings to a further subdivision of the province of Munster, from three grand lotts downe to troopes and companies, and other small proportions occasionally hapening; the accompt whereof will consist of two generall members, viz^t, that of the debt or debentures, and that of the creditt or lands.

The accompt of the debt will bee in setting forth:

1st. That there appeared many and varioose cases and qualifications of debentures, ariseing from the manner of their service, as before or since 1649, in England or Ireland, the time of the disbanding, either in 1653 or 1655, by generall or particular orders, as alsoe the time of taking out the said debentures, the time

time and manner of presenting them to satisfaction, either by agents or themselves, with their qualifications, as belonging to widows or orphans; counterfeit debentures; second debentures, in lieu of the first lost or mislaid; and, lastly, the severall rules sett downe by the generall Councill for affixing of loose debentures to certaine places for satisfaction, and joining into one lott many debentures properly belonging to several lotts, with the courses and rules wee have followed to satisfie each, according to their respective rights, or as neer as might be, with the reasons of the few deviations which have happened.

2dly. In setting forth how wee came to pitch uppon the *quota* or proportion of $\frac{1}{4}$, by computing the whole originall debt, by stating the severall payments which have formerly beeene made, by distinguishing the payments for service before 1649 from that of since 1649, by computing the debt of each regiment as itt stood in the Commissioners for stating of Accompts their books, and in the lists sent up by the respective agents, as allsoe in the estimate whereupon the lotts were cast, anno 1654, and, as the result of all, by pitching uppon what wee judged nearest the truth, with the considerations of unstated debentures and English arrears; and by comparing the debt soe found by the content of the lands, both cleare and doubtful promiscuously, as they were returned uppon the survey, and given in charge to bee admeasured.

3dly. In declaring how wee provided lands to compleat the satisfaction of such as were disbanded in 1653, viz^t, how wee found out the proportion and quantity thereof; why wee appointed that supplement to be made out of Munster; and why, in Munster, out of Kerrey; and in Kerrey, why out of the course barronyes thereoff, lying together; with the reason of the rates which wee sett upon them.

The accompt of the creditt lyes much in shewing—

1st. How wee made provision against reprizalls arising from the dubiouse title of any of the lands returned, or any kind of incumbrances or charge uppon them, which wee did by making of neat booke, under severall colums, of distinguishment of the cleare from the incumbred; and particularly, why we have sett out the barony of Carey, untill further order bee given therein.

2dly. How wee have provided for reprizalls for land which shall bee found unprofitable, with some rules and cautions concerning such reprizalls.

3dly. How wee have concluded uppon the reprizalls which may be claimed upon pretended want of measure, with some provisoies allsoe thereupon.

4thly. What

4thly. What provision need bee made for reprizing of small parcells of Protestant land, church land, and undistinguished for want of meares.

[5thly]. And lastly, how a generall provision for all the said cases may bee made out of dubiouse lands withheld from disposure.

The accompt of this whole affaire consists allsoe in shewing how,

6thly. In setting out the $\frac{1}{2}$ aforesaid to the three Munster lotts, wee repaired and pieced up the defects in each of their originall securityes, out of Kerrey, and in what proportions; how and by what rule wee equalized and pitched the rates; what exspedient wee used, by consent of the officers, for speedy and easy calculation; how wee followed the lotts and mutuall agreements of the parties concerned; how wee have determined in what precise spott even the smallest debenture is to bee satisfyed, by certaine lists of contiguities, both running parralell to each other, both as to the parcells of lands and debentures likewise.

7thly. In the particular accompt of the present and former distribution and rating of the severall barronyes and parishes in Kerrey, with digression to some proceedings at the last disbanding.

8thly. How wee answered the particular orders of references comming from the Councill; what accompts wee kept of reprizalls, resumptions, resignations, and the security wee tooke against fraudulent practizes incident on these occasions; and how wee decided all matters of indifferency by lott only.

9thly. Of the reasons why $\frac{1}{2}$ can not soe well bee satisfyed in Leinster and Ullster as in Munster; how much, or in what *quota* or proportion wee may satisfie there; how wee may compleate itt to $\frac{1}{2}$, with the consequences thereof.

Considerations concerning the *quota*, viz^t, of adheering to the $\frac{1}{2}$ or striking it downe, with the manner thereof, which arise from an estimate of debentures yet abroad, and lands withheld from disposure as dubiouse, with the small remnant of lands lyeing in the severall places and intervalls.

10thly. The accompt of this whole worke will allsoe lye

In the severall booke, tables, and accompts which wee have made and fitted up since our present comission, received about the 10th of July last, according to the ensuing lists of them, viz^t:

1st. Besides the originall bookes of survey, which have been several times turned over, there hath been made by us certaine neat books, as large and voluminous as the said books of surveyes, containing the number of reference,

proprietors names, lands names, number of acres profitable and unprofitable, each in a distinct and proper colume; together with the columes for decrees of the court of claimes, private grants, orders of suspensions, doubts of the civil surveys, former disposurers, with the respective rates of each land, and to whome disposed; and lastly, a colume of such lands as wee judge absolutely cleare and fitt to bee sett forth.

2dly. Wee are compleating the bookes of all the debentures that ever were stated till the eighteenth of December, 1655, by examining by them every debenture wee admitt to satisfaction; as allsoe all the debentures formerly satisfied in the yeares 1653 and 1655, to see that none are conterfeite, or twice satisfied, or mistaken.

3dly. Wee have reviewed the books and returnes of all satisfaction made in the said yeares of 1653 and 1655; have examined them with the forementioned grand books of debt and creditt, and have made abstracts of them, and viewed many of the debentures themselves.

4thly. Wee have particular bookes of all lands whereupon any decree hath past out of any court, with notes referring to the colume thereoff in the grand neat booke.

5thly. The like booke and references for suspensions.

6thly. The like for private grants.

7thly. The like for lands doubtfull by the civil survey.

8thly. The like for such lands as were never given to bee admeasured, wherein it is, nevertheless, likely that the State hath some interest more or less.

9thly. Wee have made particular collections of all private admeasurements, besides the generall performed by Dr Petty.

10thly. Distinct bookes of all the neat land by themselves, filed into lists of contiguicie, and standing in the same order wherein they must bee sett forth.

11thly. Large bookes of all debentures admitted to satisfaction, reduced into particular lists, and standing in the same order wherein they must bee satisfyed.

12thly. A large booke of all loose debentures received by ourselves, and afterwards applyed to their proper places of satisfaction.

13thly. A booke of all reprizalls and resumptions which have been made during our employment.

All

All which wee hope will containe a compleat and regular accompt of this great affaire.

The exsplanations of which papers and the aforementioned operations would require a treatise of it selfe, as aforesaid.

Now when the province of Munster was satisfyed, according to the above contrivances, there happened in the time of performing that business to be soe many new debentures stated, soe many claimes allowed, &c., as endangered the making good of the *quota* of £ unto the Leinster and Ullster forces, which had been given to those of Munster; the which, with other accidents, caused the following queries to bee presented by the commissioners to the Councill.

Queries humbly offered to his Highness Councill.

Whether wee shall proceed any further without the agents, viz^t, as to the *quota*, as to determine whether it shall be strucke downe frome £ to ½, or lower; and whether wee shall admitt of more debentures.

2dly. If that £ bee mantained, how to peice up the defects of Leinster and Ullster, whose lands can not bee extended beyond two-thirds, even without consideration of absent debentures; and how to provide for reprizalls, in case what wee intend for that use bee applyed to maintaine the £.

3dly. To consider what stress is to be layd on Lowth, the surplusage of the adventurers; as allsoe on the dubiouse lands yett reserved, and how to dispose of those dubiouse lands to the best advantage of the army.

4thly. In case wee strike downe the *quota*, how to make retrenchments from those who have already £ assigned them.

5thly. What shall be done with the barrony of Cary.

6thly. How the inhancements made last year on the rates of lands shall bee now applyd.

7thly. How agreements formerly made with the agents upon wide estimate shall bee now put in practice, and interpreted or declined, if impracticable; and what to doe in omitted and overseen cases.

8thly. Whether to give out absolute orders of possession, before some convenient time has been given for all to complaine, if any seeming wrong by our proceedings has been done unto them.

9thly. About compleating the satisfaction of Major King and Major Ormsby, in Kerrey.

10thly. About casting lott for priority in case the agents bee not sent for.
11thly. Whether the orders of possession shall be given with condition relating to the satisfaction of such debentures as are not yet come in.

Unto which queries noe written answer was returned, but the commissioners referred to the agents of the army, who had leave to come up to Dublyn for that purpose, where being mett they made the following resolve, and had the copy of all the dubiouse, incumbred, and withdrawne lands, at the same time delivered into their hands, with notes or marks referring to other books, shewing the reasons why each particular parcell respectively was withheld from their first distribution.

At a Committee of Agents the 6th of November, 1656.

That the agents of Leinster and Ullster doe agree to proceed to a lott for their satisfaction to morrow, att one of the clocke in the afternoon, according to such a *quota* as the neat lands of Leinster and Ullster will extend unto, and to accept of such of the dubiouse and concealed lands in the said provinces as will make up their satisfaction equall with the Munster lotts, to be taken att the same rates that neat lands in the said places shall bee sett out at; provided it bee left to the choice of the said agents, or any other authorized by the said divisions, either to prosecute the States title if they see cause, or otherwise to make application to authority for other satisfaction.

CHA. COOT.	DAN. ABBOTT.	FRA. GORE.	A. WARREN.	THO. BARRINGTON.	ROB. PRESTON.
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ROB. PHAYRE.	PET. WALLIS.	JOS. DEANE.	E.P. WARREN.	JO. GALLAND.	H. HURD.
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According to this agreement the said fforces received satisfaction at 12⁸ 3^d in the pound, and many of the agents assented unto the following rules in order to perfect the works, severall of them indeed dissenting, as apprehending ambuscadoes wrapt up in them.

Rules

*Rules and Agreements concerning the present Proceedings of Setting out
Lands to the Army, assented unto by us the respective Agents of the se-
verall Regiments thereof.*

1st. That wee receive the proportion of lands according to the *quota pars* of 12^o 3^d in the pound, in part of satisfaction due unto each regiment, together with the loose debentures, as they have been thereunto affixed by the Commissioners for setting out lands, contained in a list or ffile of contiguitie, specifying the content of each towne land and part of towne lands within the said regimentall lott, and that wee doe allsoe receive therewith lists of the debentures belonging or affixed unto each troope and company within the said lott.

2dly. That the Commissioners bee desired, according unto the said list of each troope and companys debentures, to distribute the lands of the said regimentall lotts according to their owne rules and judgements, and the same to seale up and send unto us by or before the 21th day of Ffbruary, to bee then in force, and conclusive to the severall persons concerned therein, unless wee shall before the said day make and conclude some other agreement authentically among ourselves, equivalent unto the said distribution of the said Commissioners.

3dly. That wee shall soon after the said day returne unto the said Commissioners, either our assent unto the distributions by them propounded and sent unto us, or else some other authentically agreed by our selves, together with what exceptions wee find touching anything relating to our lott, as allsoe our directions for the subdivideing or cutting of any parcells within our lott, to the end that such agreement may then bee concluded uppon, and such orders of possession accordingly may bee given forth unto us, as shall bee then thought fitt.

4thly. That, together with the receiving of our said orders of possession in manner aforesaid, wee doe deliver up our debentures, or some other equivalent satisfaction or acknowledgement for such lands as wee shall receive in part satisfaction of them, as shall bee thought most convenient and fitt, and for which we shall in the meantime adress our selves to the Councill for the declaration of their pleasure touching this matter.

5thly. That the Councill bee desired to command the Commissioners, after such orders of possession given, to receive any complaint or desire of reprizall of any

any kind whatsoever, and to hear and consider of such reasons as shall bee offered thereupon, but not actually to order or dispose of any thing therein, as to the giving away of any land upon this accompt, untill the survey of the adventurers lands, and of the lands sett forth to the disbanded in 1653, with the county of Lowth, bee returned, to the end that noe private negotiations may hinder that right, which shall then, uppon the levelling and evening the accompt of all parties concerned, appeare to belong unto each man respectively. Dated this eighth day of December, 1656.

ROB. PHAYRE.

JO. NELSON.

DAN. ABBOTT.

WM. MEREDITH.

HEN. JOHNSON.

About six weeks being elapsed, the Commissioners for setting out lands present the following adresa to the Councill, together with the above incerted breife of their proceedings, viz^t:

To His Highnesse the Lord Protectors Councill for the Affaires of Ireland.

May it please your Lordshipps,

Having sett out lands unto every troope and company of the army, allowing unto some their full arreares, unto others 14^s 3^d in the pound, whereoff about 2^s 4^d is to bee satisfyed in Kerrey, and unto others but 12^s 3^d, who are to take 2^s more out of lands of dubiouse and incumbered titles, wee now make this our humble adresa unto your Lordshipps, for directions uppon the three following generall heads:

- 1st. About preference in the disposure of the few remaining lands.
- 2dly. About the manner of setting out the dubiouse lands afforementioned.
- 3dly. About the time and manner of giving letters of possession, and receiving in debentures for the same.

As to the first, viz^t, preference in the disposall of the remaining lands, wee humbly offer to your Lordshipps that the satisfactions yet to bee made are of the many severall kinds following, viz^t:

- 1st. Of such debentures as have as yett never been presented.
- 2dly. Such as, having received common satisfaction, doe demand, over and

and above the same, their full, by vertue of severall orders made by your Lordshipps about the disbanding in the year 1655.

3dly. Such as, being disbanded in 1653, were not then satisfyed, or at least not their arreares for before 1649, which have been but lately stated.

4thly. Such as were disbanded in 1653, have since been putt out of their lands by decrees, &c.

5thly. Such as, having had full satisfaction in the yeare 1655, are now putt out of their lotts upon the like grounds, or out of part thereof.

6thly. Such as are in likemanner disturbed out of what hath been assigned them this present yeare.

7thly. Such as have received short of their due proportions by accidentall mistakes in the rates, or in misreckoning, &c.

8thly. Such as pretend to have received unprofitable lands for profitable.

9thly. Such as may happen to pretend shortness of measure.

10thly. Widowes and orphants.

Soe that wee humbly desire to receive your Lordshipps pleasure in what order of preference, as to releife and satisfaction, the said severall cases shall bee putt, there being not now neer lands enough left to satisfie all that appeares, much less all that may; and consequently, which cases your Lordshipps thinks fitt to bee putt of for satisfaction, untill the surplusage of the adventurers proportions, and the contents of the county of Lowth, can bee knowne, and untill it shall bee possible to make a just accompt with such as received lands in the yeare 1653. And withall that your Lordshipps will now take into consideration what cases are properly reprizable in Kildare, and to provide for the valuation of incumbrances, according to the ordinance in that behalfe, and in what manner to sett out lands in that county.

As to the second generall head, viz^t, the disposure of dubiouse lands, wee humbly acquaint your Lordshipps—

That the value of the said dubiouse lands appeares to be very variouse, not only in the common considerations of the province wherein they lye, their soyle, comodities, &c., but allsoe in this speciall respect of the nature of the incumbrances, and of the severall uncertainties in and about the title of them.

2dly. That some of the army are more able and active to discover and prosecute

secute the severall frauds, collusions, and obscurities concerning these titles, then others.

3dly. That the said dubiouse lands doe, in matter of their scituation, lye perhaps very conveniently to some who, nevertheless, are not likely to make much advantage of them, by reason of their inability to discover and prosecute, as afforesaid.

4thly. That the quantity of these lands is very unequall and disproportionalle, either unto the grand divisions, or unto the barrony, or unto the regimentall or other lotts whereunto they adjoine and belong; and that there will arise much controversy about the affixing and appropriating of them, either unto barronyes or lotts, as allsoe in making up equall satisfaction out of such unequall proportions.

5thly. That there hath often been offered discoveries of such lands as are suspected to bee forfeited, which never yet came under the cognizance of any of your Lordshipps ministers; soe that, uppon the whole matter, wee humbly submitt to your Lordshipps pleasures—

1st. Whether the said lands (whether they [bee] more or less incumbred) shall bee all sett out at the same rate, viz^t, at the rate that other clear lands are.

And soe whether the whole of them shall bee filed upp into strings of contiguitie, and lotts cast for them, as hath beene done in other cases.

Or whether the 7th 9th remaining shall bee divided into three or more gales; and soe the more encumbred any lands is, that it bee bought with the latter gales of payment.

Or, if they may bee sett out at unequall rates, whether there shall bee a free and open boxing for them, indifferently, as whereby one that has received his cleer satisfaction in Munster may box for the dubiouse lands of Ullster.

And wee desire to receive directions whether, having once received the said land, the receivers of them, miscarreing in their suites, shall be admitted to a possibility of being reprized.

And what preference shall bee given to discoverers of land never yet under cognizance; as whether they shall have the satisfaction of any debt, reprizall, &c., due unto them out of such lands as they shall soe discover; and what caution, by bond or otherwise, is to be used, that, by such encouragements, proprietors of unforfeited lands bee not causelessly molested in their possessions.

As

As to the last head, concerning orders of possession, wee humbly offer that, in our poor opinions, none under your Lordshipps can by the Act give out certificats whereby the souldier shall bee deemed to bee in actuall or legall possession.

Wherfore wee humbly desire your Lordshipps to direct us a forme whereby wee shall certifie to your Lordshipps in order thereunto.

2dly. Wee humbly offer to your Lordshipps consideration that, by reason of the mistakes which wee have observed in some of the distributions made *anno 1655*, that the certificats given by those Commissioners bee compared by the now wholly perfected and examined survey, before your Lordshipps give them their finall orders of possession.

3dly. What security shall bee left unto the army for the unsatisfyed part of their debentures, as whether the debenture it selfe shall bee endorsed with the part satisfaction received, as allsoe a receipt taken by us for such lands as have been given out for the same or any other way.

4thly. What care and examination shall bee made uppon the severall commissions and letters of attorney given to agents or others for receiving satisfactions for their respective debts.

5thly. Whether any notice or accompt shall be taken of sales and alienations of debentures or lands made before absolute and legall possession.

6thly. Whether the Register-General for debentures, or his deputy, will not bee necessary to attend either the cancelling or indorsing of satisfied debentures.

7thly. In case debentures, for satisfaction whereof lands have been alreadly assigned, shall not bee actually brought in at the time of receiving debentures and issueing certificats for the same, or within some other time to bee appointed, whether they may and shall bee postponed, and others admitted in their roomes.

Lastly, wee humbly desire that, having sett out the now remainder of dispoeseable lands, there may be a totall cessation of all clai mes and further proceedings, untill wee can wholly perfect the severall accompts wee have to make, and untill the adventurers and disbanded in 1653 their lands bee returned by the surveyors.

All which wee leave to your Lordshipps wisdome. 23th January, 1656.

To part of of which adress they returne the following answer:

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By

By His Highnesse the Lord Protectors Councill for the Affaires of Ireland.

Whereas the Commissioners for setting forth lands to the army have, pursuant to their commission of the 7th of July, 1656, as is certifyed by a paper produced under their hands, dated the 23th of January last, and presented to this board, sett out land to every troope and company of the army, allowing unto some their full arreares, unto others fourteene shillings and three pence in the pound, whereoff about two shillings and four pence is to bee satisfied in Kerrey, and unto others but twelve shillings and three pence, who are to take two shillings more out of lands of dubiouse and incumbred titles. And having a remainder of land yet to dispose of, for the satisfaction not only of such debentures as whereoff noe part hath been yett satisfyed, but withall for repairing such defects as have happened, as well by reason of decrees, whereby all or any part of the lands assigned have been afterwards taken away, as by accidentall mistakes or miscasting, as by the said certificate doeth appeare.

The Councill, having taken the same into consideration, doe thinke fitt att present only to take notice of such of the said cases or particulars as are undernamed, viz^t, that of debentures wholly unsatisfyed, and the case of such others as are become satisfyed only in part, by reason of the decrees and of the accidentall mistakes and miscastings afforementioned; and for proportionable releife in those cases have thought fitt to give the following instructions:

That, in the first place, a due computation bee made of all and every barony and part of barony respectively, which have been sett out either in the year 1655 or in this present year 1656, and allsoe that are appointed to bee sett out for satisfaction of the forces disbanded in 1655, and the now standing army, and having thereupon compared the severall and variouse values of them, at the equalization rates sett up by the respective agents, with the values of the same att the Act rates proper to each respective provinces, the said Commissioners are to take care that upon the whole the State suffer noe prejudice by the said equalizations and depressions of the said Act rates, whereby having allsoe cleared what lands doe yett remaine to bee disposed of, over and above what was requisite to satisfie the whole debt hitherto admitted to satisfaction, in each province respectively, att the Act rates, and according to the respective *quota pars* or proportion of payment, the said commissioners are then to dispose of the said remainder as followeth, viz^t:

Ffirst.

First. Having computed what defects of satisfaction as to the proportion of the standing army in Leinster and Ulster, and of the $\frac{1}{2}$ in Munster, have hap-
pened by reason of decrees, and have been authentically made out by or be-
fore the 20th of this instant February, and likewise what debentures have been
actually brought in and tendered to bee satisfyed by or before the said day,
they are to divide the value of the remainder of lands abovementioned propor-
tionably betweene the summe whereunto the said defects doe amount, and the
totall summe of the unsatisfyed debentures, according to the proportion of the
standing army.

2dly. They are to distribute the part apportioned to the reparation of the
said defects proportionably according to each of the said defects, bee the same
greater or less, and to pay the said unsatisfyed debentures according to such a
proportion, not exceeding the proportion of the standing army, as the part al-
lotted for the same will extend unto; but upon discovery of any new security,
as from Lowth or else where, they are to take care that all such as for the pre-
sent have received nothing, or short of the proportion of the standing army, bee
first made equall, before any further satisfaction above the said proportion of the
army bee added unto such as have allready received soe much. Dated att the
Councill chamber in Dublyn, the 4th of February, 1656.

Tho. HERBERT, *Clerke of the Councill.*

And upon a new putting them in mind of the said former adressed, they
issue the following order:

By His Highness the Lord Protectors Councill for the Affaires of Ireland.

The Councill taking notice, by a late humble adress made unto them by
the Commissioners for setting out lands to the army, that the said Commis-
sioners have sett out lands unto every troope and company of the army, and,
having allowed to some their full arrears, to others 14^o 3^d in the pound, whereoff
about two shillings four pence is to bee satisfyed in Kerrey, and unto others but
12^o 3^d in the pound, and proposing that the other 2^o may bee assigned out of
lands of dubiouse and incumbred titles, and desiring some directions in that or
other cases, having dueley considered thereoff, thinke fitt that the said Commis-
sioners in their delivering out the remaining summe for compleating the *quota*
or respective proportions of 14^o 3^d, for satisfaction of such debentures only as

have been brought in to the said Commissioners or Register-General before the 20th day of February last, doe, in their proceedings, as neer as possibly they can, keep strictly to the lotts, and observe the rules formerly given and practized in their distribution of the former part of the satisfaction assigned unto troopes and companyes, or to regiments, and not particular persons of the army ; and wherein they are to take like care that what remaines to bee sett out as afforesaid bee as contiguouse as may bee to their present lotts.

As to that head concerning certificats from the Councill, whereby the souldiers respectively concerned may be deemed in legall possession, orders have been allready issued in that case, requiring the Attturney-General to peruse the Acts and ordinances, and accordingly to prepare a forme of a certificate to bee presented unto this board ; and for the more satisfactory and speedier preparing thereof, itt is thought fitt that Sir Charles Coot, Sir Hardress Waller, Collonell Lawrence, and the said Commissioners, doe advise with the Attturney-General concerning the same.

To the second, proposing that, by reason of mistakes observed by the said Commissioners in some of the distributions made in 1655, the certificates given by those Commissioners may bee compared by the surveys now perfected, before they have their finall orders for possession, the Commissioners are accordingly carefully to examine the same ; and if, in the distribution of the lands sett out (*de bene esse*) in the yeare 1655, itt shall appeare that any person that hath lands in his possession above his due proportion, they are to take speedy course for recinding the same, they being to have and enjoy what they can justly claime, and noe more, before the signing such certificates.

To the third, proposing what security shall bee left unto the army for the unsatisfyed part of their debentures, as whether the part satisfyed shall bee endorst upon the debenture, and a receipt taken by them for the lands given out for the same, it is thought fitt that this proposition be referred to a committee of any three or more of the Councill to consider thereof, and to send for such officers as shall be held fitt, as alsoe for Mr. Attturney-General, the auditor of His Highness court of Exchequer, and Commissioners for setting out lands, and having together duely considered thereof, they are to offer unto the board what they shall hold adviseable in the case.

To the fourth, concerning the examination of the comissions and letters of attorney given the agents and others in receiving satisfaction for their respective

spective debts, fforasmuch as the Councill are informed that all or most of those instruments have passed under the hands and seals of those that entrusted them, and that, by raising doubts where nothing is complained of, many needless and unseasonable differences may unhappily arise, and for that the worke is done for which they were impowered, albeit upon examination there may appeare some imperfections in matter of forme, the Councill held it not adviseable at present to give any order therein.

To the fifth, whether any notice or accompt shall be taken of sales and alienations of debentures or lands made before legall possession is given from this board, itt is thought fitt that, in case the purchasor or possessor have warrantably and upon good consideration procured the same from the souldiers, their executors or administrators, and that lycence hath primary been obtained from the commander in chief, or others by him authorized, and according to the rules prescribed in the Act in such case, the Commissioners for setting out lands may give out certificats in the name of him unto whome the said debentures have been warrantably assigned and procured as afforesaid.

To the sixth, concerning the Generall Registers cancelling or endorsing satisfiyed debentures, to bee speedily taken into consideration, and rule given from the board.

To the 7th, concerning the postponing the satisfaction of debentures not brought in at due times, this is to bee likewise speedily taken into consideration.

To the last, proposing that there may bee a cessation of all claimes and further proceeding untill they can perfect their accompts, and that the lands assigned the adventurers and disbanded in 1653 bee returned by the surveyors, the Councill thinks fitt that when the said Commissioners have perfected the worke that is now next to bee done, viz^t, as to the satisfying debentures brought in by the 20th of Ffbruary afforesaid, reprisezeing of lands which appeared to them at or before that day to bee reprizeable, and the distribution of the dubiose and incumbred lands aforementioned, and have given an accompt of their proceedings unto this board, the Councill thinke it may bee then a more seasonable time to resume that matter into consideration. Councill chamber, Dublyn, 9th of April, 1657.

Tho. HERBERT, *Clerk of the Councill.*

Together with another about orders of possession, viz^t:

By

By His Highness the Lord Protectors Councill for the Affaires of Ireland.

Whereas by an Act of Parliament entituled An Act for the Satisfaction of the Adventurers and Souldiers, &c., in page (82), it is ordained, among other things, that a certificate under the hands and seales of the Commissioners of Parliament, or any two or more of them, is to bee had by all the officers, after the division of their lotts, before they can bee deemed to bee in actuall possession and seisin thereof, it is thought fitt and ordered that it bee referred to Sir Charles Coot, Sir Hardress Waller, M^r Attorney-Generall Basill, Collonell Lawrence, the Auditors, and Commissioners for setting out lands to the army, to consider thereof; and having duly perused the said Act of Parliament, and such other Acts and ordinances as may any way relate thereunto, they are to prepare and present unto this board the forme of such a certificate as they may conceive to bee agreeable to the intent and meaning of the said Act, for further considerations to bee had thereof. Dated at the Councill chamber, in Dublyn, the 9th of Aprille, 1657.

THO. HERBERT, *Clerk of the Councill.*

The which was answered by the referrees therein named, with the following report and draught of orders of posession thereunto annexed:

May itt please your Lordshipps,

In obedience to your Lordshipps reference within written, wee have considered of the matter therein contained, pursuant whereunto wee offer the annexed draught of a certificate, which is according to the advice of our counsell, and the best in our opinion, which wee humbly submitt to your Lordshipps consideration. Dated the 3rd of June, 1657.

Signed in the name and by appointment of the rest of the referrees,

HAR. WALLER.

By his Highness Councill, &c.

By vertue and in pursuance of an Act of Parliament entituled An Act for the speedy and effectuall Satisfaction of the Adventurers for Lands in Ireland, and for the Arreares due to the Souldiery there, and of other publicke Debts,
and

and for the Encouragement of Protestants to plant in Ireland; as alsoe of instructions from his Highness the Lord Protector, bearing the day of , whereby the power of the late Commissioners of Parliament is devolved unto and vested in us, wee doe hereby certifie, under our hands and seales, that the lands of , amounting unto acres, Irish measure, of profitable lands, &c., unprofitable, with the appurtenances, are, according to the said Act of Parliament, divided, sett out, and particularly allotted unto , his [heires] and assignes, in satisfaction of his arrears. In witness whereoff, wee have herunto putt our hands and seales. Dated the day of .

About this time the adventurers moyety of the ten countyes, with the county of Lowth, and the barronies sett out to the disbanded *anno 1653*, were in measuring, as alsoe the courts were sitting amaine about claimes, in pursuance of a further liberty given for that purpose by an Act of parliamentary assembly held and begun the 17th of September, 1656, by reason whereoff it became impossible to know the state and extent of the dubiouse land abovementioned, nor of the new security exspectet from the said adventurers moyety and Lowth, upon returne of the said admeasurement; wherefore litle was done by the agents as to their orders of possession, nor much by the Commissioners, except the answering of such reprizalls, speciall orders, and references of the Councill, as particular persons procured; all which orders, reports, &c., are ready to bee produced, when occasion requires the same.

Having thus, perhaps in too slight a manner, run over the nature of this worke, one hundred times bigger and more difficult then in this orderly description thereoff it will probably bee conceived to bee, itt follows to tell next by whome itt was performed, viz^t:

Dr Petty had soe much zeale to have this great and memorable worke well transacted, that he voluntarilie tooke much paines and bestowed many thoughts thereon; which the army well perceiving was, as is supposed, the reason why they named him a trustee, and got him authorized for an instrument in their service by the commission above named. Dated the 20th of May, 1656.

Whilst that commission was on foot, althoough the other five did all of them performe the judicative and directive part of the worke, yet the management of the calculations, with the invention of the method and meanes to put the Commissioners generall directions into practice, lay wholly on him; and soe plyed, that on the same day, being the 10th of July, 1656, wheron the three

Commissioners

commissioners received their new commission of the 7th of July, whereof the Dr himselfe was one, there was given the officers then assembled in a great number such a scheme of assignements for the six grand divisions, with such an accompt of the *quota*, the dubiose lands, the reservations for other uses, &c., as gave them such satisfaction as it hath proved the ground of whatsoever hath since been done, and composed the clashings then in being.

There was in this latter commission, besides the Doctor, M^r Vincent Gookin and Major Miles Symner, persons of knowne integrity and judgement; the first whereoff, within a moneth after the commission, and before one foot of land was actually sett forth, went into England, to attend his duty in the aforesaid Parliament, which was to begin the 17th of September following; and Major Symner, a person ever generally beloved, and especially in this very army, foreseeing the danger of incurring as much the armyes causeless hatred as he had before enjoyed their well merited good affections, and being distracted with the frequency and vehemence of applications, could not with that pleasure attend the clamorous part of this business, as his publicke spiritt otherwise disposed him unto. Soe that the daily directing of neer fourty clerks and calculators, cutting out worke for all them, and giving answers as well to impertinent as pertinent questions, did lye cheifly upon the Doctor; and the more he did the more he was employed; and withall, the better he gave men satisfaction at first, the more and more unreasonably it was requested at the latter end; which continuall disquiett might (even in Solomons judgement) be the reason why some thought him more short and satiricall in this replies then his former and naturall temper had before represented him to the world.

When it came to pass that he was reputed the author of whatever displeased any man, in soe much as, if men had not what they would have, and did call to remembrance any injuriose exspressions they ever had uttered concerning him, they presently apprehended that the disappointments they were under were nothing but the secret revenges of some evill they had perhapps long since done him. Att length, when it became customary to reproach, noe man tooke much care what he said of him; and the wiser men, in being convinced how causelessly he suffered, would none of them venture to bee joined in this commission; soe as Major Symner and the Dr were forced to carry alone a burthen not usually imposed, unless a treble strength, nor borne without a greater countenance then themselves could give it.

As

As for the Dr himselfe, he became to bee esteemed the —, or evill angell of the nation; and althoough God enabled him to cleare himselfe before the Councill and all other authorityes, as allsoe to any other particular persons who was but curiouse enough to understand the reason of his actings, yet all he did it was still said to bee but delusion, and casting a mist before the eyes of men he dealt with. Yea, though it was his vanity to carry all things with justice and impartiality, yet the contrary was still imputed unto him, even although his greatest adversaries could never procure him a checque from his superiours, nor could hinder his masters, who had seen him faithfull in small matters, to sett him over greater, nor to entrust him with the adventurers and disbanded mens survey, even although he had been excessively railed att for what he had immediately done before of that nature, inserting him allsoe in all commissions relating to distribution of lands. Nor did the then Lord Leiftenant (then whome noe man knew him better) frighted for owning him for his secretary, as to his bussiness of nearest concernement. Nor was the Councill soe convinced of his unworthinesse as to refuse his service as clerke to their table; ffor these two honors did God add unto him, even when the cry of his adversaryes was loudest, the which, as he did not seeke as shelters to his crimes, soe he did not too broadly appeare in them, to avoyd the ostentation which usually springs from such advancements. The access of this new and more honourable trusts did but quench his fires with oyle, and provoked his ambitiouse adversaryes to thinke of hewing downe the tree uppon a twig whereoff he stood, so as by multiplying their surmises and clamoures, hee became the Robin Goodfellow and Oberon of the countrey; for, as heretofore domestique servants in the countrey did sett on foot the opinion of Robin Goodfellow and the ffairies, that when themselves had stolen junketts, they might accuse Robin Goodfellow for itt; and when themselves had been revelling at unseasonable houres of the night, they might say the fairies danced; and when, by wrapping themselves in white sheetes, they might goe any whither without opposition, uppon the accompt of being ghosts and walking spiritts; in the same manner severall of the agents of the army, when they could not give a good accompt to those that entrusted them, to say Dr Petty was the cause of the miscarriage was a ready and credible excuse. If the agent would goe from his countrey quarters to Dublin on free cost, the souldiers must contribute towards it, uppon the accompt of getting justice from Dr Petty. If the poor souldiers would have their lands sett out

before necessity compells them to sell, it was but saying Dr Petty would not send a surveyor. If the surveyor doe not lay the house and orchard on the right side, the party disappointed need but say Dr Petty employes insufficient instruments. When one party hath by good cheare and gratuity byassed a poor fellow, itt was good ground for the other to say that Dr Petty employes such as takes bribes, and perhapps shares with them; there being persons who have shoun a poor souldier a bogg or other course land, telling him that was his lott sett out by Dr Petty, to the end they might have the good land, which really was the poor mans, att the price of the bogg. If a peice of land better than our owne, through an accident, happen to be undisposed of, then our owne is cryed out uppon as incumbred, and Dr Petty a villaine if hee doe not help cozen the State to exchange itt. If wee have undersett our land, then a Protestant claimes it, and soe wee become free to have other lands whereupon to make a wiser bargaine. If wee would have a good large *quota* or proportion of our debt satisfyed in Leinster and Ulster, then Kerrey, being the refuse county of Munster, is all good land. If the Munster lott would be rid of Kerrey, they cry up the neating and withdrawing of dubiouse lands for a divine invention; to others, an abominable project.

If the Commissioners are sparing to show their mapps, to prevent projecting and contriving upon them, then Dr Petty keepes all in the darke. If wee doe not observe what every juncto or faction directs, how contradictory or unintelligible soever, Dr Petty transgresses the Committees orders; if wee fall uppon course land, better being behind us, Dr Petty hath over charged the lott, and stufft in his owne friends; if better lands bee before us, then debentures were not equally fixed. When Dr Petty minds the agents of their poor brethren, who served before 1649, and were disbanded in 1653, itt is said that this advertisement is like Judas his proposing to have the box of ointment sold for one hundred pence, and given to the poor. When loose debentures swarne up and downe, Dr Petty is suspected for buying them at under rates, and hath been searcht like a theife with a constable; but noe body observes the agents breaking up the officers seale, and thereby introducing this danger. When the lyst or string of disposeable lands was made and presented to the agents, they would for greediness acquiesce in any thing; but when the lotts fell out amisse, Dr Petty jugled. Whilst Dr Petty forbore, out of tenderness, to deale in lands or debentures untill the whole army was satisfyed, then it was said he would not engage in the lands

of

of Ireland, but, having gotten his money, would runn away; but when he had layd out his estate in land, he become soe wicked as not to bee worthy to stay in the nation.

And now being weary in setting forth the unhappiness of this Doctor in the perverse reward of his faithfull and painfull performances, wee should returne where wee digressed, which is to shew that the army forbore taking out their orders of posession, as allsoe the distribution of their dubiouse and other lands, untill the adventurers and other surveyes from where they exspected further security should come in, and bee made use of to cutt that surplusage which they guessed to be for them in the adventurers moyety of the ten countyes, the which because they could not satisfactorily doe without a conference first had with the best representatives of those persons, sitting at Grocers Hall, London, they did move the Councill in May following, 1658, that the Dr^r might have a commission for treating with the said adventurers in England to that purpose, which matter, althrough it brings us to speake of the Dr^r further service to the State and army in that particular, yett, because it is subsequent in time to what wee are now goeing to treat off, wee shall a litle forbeare it, and pass to speake of the lands which the Dr^r hath purchased with the armes security.

CHAPTER XV.

ABOUT the moneths of January and Ffbruary, 1658, when the whole army was satisfyed, and the Dr^r had received most of his money for the whole survey, upon stated and fully audited accompts, the busie people, considering what great advantages themselves had gotten by buying debentures, and consequently lands, in soe much as many sold even their personall necessaries to drive this kind of trade, they fell a wondering why, neither in this yeare, 1656, nor in the preceedent better year for this purpose, 1655, the Dr^r had been seen to traffique in debentures, very few, measuring him by themselves, being willing to beleive that this abstinence and fact was for noe other reason then to keep himselfe free and cleare from all kind of partiallity and injustice, and others from the feare of it; but rather concluding that he had a share in all

the best lotts of Ireland, or else that, being consciente of some great miscarriage, hee would not venture his estate nor person long in Ireland, where he had committed them. Now to disabuse the creditors of these false opinions, and to bee really a benefactor to the same land whereon God had alreadly blessed his endeavours, he began to thinke of bying some lands; but, goeing about it, he found debentures to be both scarce and deere, and withall that his owne asking for debentures did raise the price of them, the world collecting from thence that the gold mines were yet to bee disposed of. This disposition and perswasion of the world being unto the D^r as necessity the mother of arts and inventions, hee conceived that, since there was soe many acres of land, rough and smooth, yett undisposed of, for the admeasurement whereoff, at 1^d per acre, there would be due neer three thousand pounds, the right whereoff, the debt lyeing in a very hazardouse condition, he had lately bought off the State for betweene six and seaven hundred pounds; and fforasmuch as he was not bound to stay for this money untill those who served before the yeare 1649, those who were disbanded anno 1653, and those who had not yett brought in debentures, and allsoe those who had this present yeare received but part satisfaction, should agree of the time and manner of receiving these lands, but that the money above mentioned was rather due to him from the land then from such *individui vagi*, who should he knew not when come to have them; and, lastly, considering that those who, even at last, should appeare to have those lands, were to bee looked uppon as souldiers, such who, as well by the common rules of court marshalls as by the power given the generall of the army by the Parliaments Act of September, 1653, were under the said gentlemens jurisdiction; the D^r thought fit to petition the generall for releife upon the above mentioned ground, setting forth that, if hee were allowed as much lands as his debt in debentures amounted unto att the usuall rates, yet that he should gaine litle thereby; forasmuch as the money he paid for that debt would fully or very neer purchase one as many debentures as would doe the same. The Generall, out of meer tenderness, only referred him to the Councill for their concurrence with himselfe in this case, which he said was rather rare and singular then unreasonable or injuriose. Hereupon he makes the following petition to the Lord Generall and Councill both, about the premisses, inserting some other desires to make the purchase more considerable, viz^t:

TO

TO HIS HIGHNESS THE LORD PROTECTORS COUNCILL FOR THE AFFAIRES OF
IRELAND.

The humble Petition of Dr William Petty

Sheweth,

That your petitioner, since his first being employed, either as surveyor or commissioner for setting out lands to the army, hath not dealt in the least for land or debentures, directly or indirectly, as hee will make appeare by oath or any other satisfactory proove, and hath neglected to make such lawfull advantages as other men, perhaps less qualifyed then himselfe, have done, and hath withall incurred the suspition of intending to withdraw himselfe out of Ireland, out of feare to stand to his severall actings upon the afforesaid employments. And this he had done to prevent scandall and sinister constructions, which jealouse and disatisfyed persons might make upon your Lordshipps management of affaires, in employing such as could not containe themselves from traffiqueing on the peculiar object of their trust and employment.

Your petitioner, therefore, to demonstrate his intention of abideing in Ireland, and to lay out himselfe and talent in the plantation thereof, doth now, when all lotts are generally satisfyed, and when there remaines noe house or land of value to bee disputed off, but only refuse ends and tayles of lotts, humbly desireing of your Lordshipps but that liberty which, were it nott for the scandall afore mentioned, he might otherwise lawfully take, consisting in the following particulars, viz^t:

1st. That whereas your petitioner hath accepted of the arreares of the soldiers contributions, att one penny per acre, in satisfaction of 61*4¹¹* 8⁸ 9^d, that he may bee satisfyed what he cannot receive in money as soe much debentures.

2dly. That he may have the liberty of purchasing att least one thousand pounds debentures.

3dly. That he may have liberty to reedeeme land mortgaged for more then their respective values, at the Act rates.

And that he may use the said liberty in such places, for satisfaction, as he shall make choice of, to prevent the jealousies of such as may be otherwise concerned in a lott with himselfe. In granting whereoff, your petitioner assureth your Lordshipps that nothing shall bee done against lott, rule, or instructions, to one penny prejudice of the State or army. And this your petitioner desires

desires may be granted before it bee to late, least he become as ridiculous for his slackness herein, as he is to some odious for his strictness in your Lordshipps service.

And he shall, &c.

WILLIAM PETTY.

By His Highness the Lord Protectors Councill for the Affaires of Ireland.

Upon reading the within petition of Dr William Petty, desiring that such arrears of one penny per acre as are due from the army, and granted unto him by virtue of an order of this board, dated the 11th of February last, may bee satisfied unto him out of lands as soe much due by debenture; 2dly, That he may bee permitted to purchase at least one thousand pounds debentures; and lastly, that he may have liberty to redeeme such lands as are mortgaged for more then their value att the respective Act rates doeth amount unto; and that he may receive satisfaction for the said arrears, and for such debentures as he shall purchase as afforesaid, and may withall make the said redemption in such places as he himselfe shall make choice of:

Ordered,—That the said petition, and all and every the branches thereof, bee granted and assented unto; provided that nothing be done by occasion thereof to the prejudice of the Commonwealth or the army. Dated at the Councill chamber, in Dublyn, the 6th of March, 1656.

THO. HERBERT, *Clerk of the Councill.*

Now he the rather made application to the Councill, together with the generall, that if the lands to be disposed of as afforesaid, being most of them exceeding course, should by their indulgence bee eased of this duty of one penny per acre, they might, notwithstanding, make good the land to be sett out to him as he desired, even uppon another ground wholly within their owne power, the which power appeared to me in their order in the 4th of February preceedent, inasmuch as by these words, viz^t, And having thereupon compared the severall and variose values of them, att the equalization rates sett by the respective agents, with the values of the same at the Act rates proper to each respective province, the said commissioners are to take care that, uppon the whole, the State suffer noe prejudice by the said equalizations and depressions of the said Act rates, whereby, having allsoe cleared what lands doe yett remaine

remaine to be disposed of, over and above what was requisite to satisfye the whole debt hitherto admitted to satisfaction in each province respectively, att the Act rates, and according to the respective *quota pars* or proportion of the payment, the said Commissioners are then to dispose of the said remainder as followeth, viz^t:

Itt seemed to mee as if they deemed that what should bee gained by the advantage of enhancement above depressed rates to bee in their owne dispose, and as it were alienated from the armyes security.

In fine, the said Lord Deputy and Councill, having then an high sence of his service and sufferings in this worke of distributing the lands, granted his petition *in terminis*; the which being carried to the commissioners to put in execution, they, out of an abundance and scrupulouse care of the States and armyes concernments, gave him the following order, but withall tyed him upp to the articles annexed thereunto, and herewith inserted.

By the Commissioners for setting forth Lands to the Army.

By vertue of a commission from his Highness the Lord Protectors Councill for the affaires of Ireland, unto us directed, bearing date the seventh day of July, 1656, wee have sett out and assigned unto Dr Willian Petty, in satisfac-
tion of the sum of four thousand one hundred eighty-one pounds fourteene
357⁸ 3^r 36^p shillings and seaven pence, the full number of three thousand five
hundred seaventy-eight acres three roods thirty-six perches of
lands profitable, at ten shillings per acre, amounting to the sum of one thou-
sand seaven hundred eighty-nine pounds nine shillings and tenpence; and
eight hundred thirty-three acres one rood and four perches of lands cast in,
over and above, lyeing and being in the barrony of Balleboy; and two thou-
sand nine hundred thirty-seaven acres one rood and twenty-eight perch of
profitable lands, lyeing in the barronyes of Duleeke, Half-Fore, and Ratoth, at
twelve shillings per acre, amounting unto one thousand seaven hundred sixty-
two pounds nine shillings and two pence; and three thousand one hundred forty-
eight acres three roods and twenty-two perch of profitable lands in the pro-
vince of Ulster, at four shillings per acre, and one hundred thirty-five acres and
two roods of lands cast in as unprofitable, amounting unto six hundred twenty-
nine pounds fifteene shillings and seaven pence, according to the list of the par-
ticulares

ticulars thereoff hereunder written, and according to such orders as wee have received from His Highness said Councill, and such conditions as are att large expressed in certaine articles of agreement made betweene us and the said William Petty in that behalfe, bearing date with these presents. As witness our hands, this 24th day of Aprille, 1657.

Articles of Agreement made and concluded betweene the Commissioners appointed by His Highness Councill for the Affaires of Ireland, for setting forth of Lands for Satisfaction of the Army, of the one Part, and Dr Petty, of the City of Dublyn, of the other Part, this four and twentieth Day of Aprill, 1657, as followeth:

Whereas upon reading the petition of Dr William Petty, His Highness the Lord Protectors Councill for the affaires of Ireland did by their order of the sixth of March, 1656, grant and assent that such arreares of one penny per acre as are due from the army unto him, the said Dr, for admeasuring their lands, and as were granted unto him for his owne use and benefitt, by virtue of another order of His Highness said Councill, dated the eleventh of February last, should bee satisfyed unto him, the said Dr William Petty, out of lands, as soe much due by debenture.

Moreover, whereas His Highness said Councill have allsoe by their said order of the 6th of March, 1656, permitted the said Doctor to purchase at least one thousand pounds debentures, and that he might receive satisfaction both for the said arrears of one penny per acre, and allsoe for the said purchased debentures, in such places as he himselfe should make choice of; and whereas it hath appeared unto the said Commissioners, by certificate from the auditors of His Highness Court of Exchequer, and from Christopher Gough, deputy to the Surveyor-Generall, bearing date the ninth of Aprille, 1657, that there hath been admeasured by the said Dr William Petty, of profitable forfeited lands dispo-
2014357^a 1^r 37^p able to the army, two millions fourteene thousand three hundred fifty-seaven acres, one rood, and thirty-seaven perches, the which, at one penny per acre, allowed by the Act of the Councill of Warr, dated the eleventh of December, 1654, by the said Commissioners seen, doth amount unto the summe of eight thousand three hundred ninety-three
8393^b 3^s 1^d pounds three shillings one penny halfe penny.

And, lastly, whereas itt hath appeared by certificate from James Standish,
 Esq.,

Esq., Receiver-Generall, bearing date the eighth of Aprill, 1657, that there hath been discompted from the army for the use of the said Doctor only five thousand five hundred and eight pounds six shillings and six pence, being all that he knoweth hath come into the hands of the said Doctor; and whereas the said James Standish hath certyfied that about three hundred pounds of the said five thousand five hundred and eight pounds six shillings and sixpence was then unpaid unto the said Doctor, and hath since certyfied that the same that was soe behind was the just summe of two hundred and nineteene pounds seaventeene shillings and eight pence, and due unto him from certaine companyes in England belonging to the Irish army; and whereas the said James Standish hath certified that much of the aforesaid summe must bee repayed by the said Dr William Petty unto such who had paid him more then their due by mistake;

And it hath since appeared that the summe soe repayed doth amount unto seaventy-seven pounds, which, with the said two hundred and nineteene pounds seaventeene shillings and eight pence, maketh in all two hundred ninety-six pounds seventeen shillings and eight pence, being the full summe which the said Dr was over charged in the said five thousand five hundred and eight pounds six shillings and six pence, soe that two hundred ninety-six pounds seaventeene shillings and eight pence, being deducted out of the said five thousand five hundred and eight pounds six shillings and sixpence, there remaines five thousand two hundred and eleven pounds eight shillings and ten pence, as the utmost of what the said Dr William Petty hath received from the army, which being againe deducted out of the said eight thousand three hundred ninety-three pounds three shillings one penny halfe penny due from the army, there remaines three thousand one hundred eighty-one pounds fourteene shillings as the cleer debt to be satisfyed unto him in lands, according to the Councills order above mentioned, the which, with one thousand pounds debentures purchased and given in unto the said Commissioners by the said Dr, makes four thousand one hundred eighty-one pounds fourteene shillings and three pence.

Itt doth, upon the whole matter, appeare that the said arreare yett due from the army unto the said Dr William Petty amounts unto the full summe of three thousand one hundred eighty-one pounds fourteene shillings and three pence, the which, with one thousand pounds in debentures purchased and given in unto the said Comissioners by him, the said Dr, makes four thousand one hundred eighty-one pounds fourteene shillings and three pence; in satisfaction

whereoff the said Commissioners have, according to the choice of himselfe the said Dr, under his hand, assigned and sett forth unto him, his heires and assignes, for ever, as by their certificat bearing date with these presents may appeare, certaine lands containing nine thousand six hundred sixty-five acres one rood and six perches, Irish measure, of profitable land, and nine hundred sixty-eight acres three and four perches, of like Irish measure, of unprofitable wood, bogg, and barren mountaine, and lyeing in the severall parishes, barronyes, and countyes, as in a list of the said lands annexed to the said certificate of the said Commissioners particularly mentioned and expressed.

And whereas His Highness Councils said order of the sixth of March aforesaid did make the afforementioned concessions unto him, the said Dr William Petty, provided that nothing be done by occasion thereof to the prejudice of the Commonwealth or army, the said Commissioners, in pursuance of the said directions and provision, have, on the one part, covenanted and agreed with the said Dr William Petty on the other part, *vizt*:

Imprimis, for as much as the debt to be satisfyed unto the said Dr William Petty as aforesaid amounts unto four thousand one hundred eighty-one pounds fourteen shillings and three pence, which, according to the respective rates of the Act of Parliament, or other rates at which other lands were sett out in the same barronyes where the lands assigned as aforesaid doe lye, doth require for satisfaction the afforementioned number of 9665^{ac} 1^r 6^p Irish measure, *vizt*, 3578^{ac} 3^r 36^p, att ten shillings per acre, and 2937^{ac} 1^r 28^p, att twelve shillings per acre, and 3148^{ac} 3^r 22^p, att four shillings per acre, according to the rates of the barronyes respectively where the said lands doe lye.

But forasmuch as the said 3181^l 14^s 3^d, being the arreares of one penny per acre as aforesaid, due unto the said Dr William Petty from the army, cannot properly and according to the Act of Parliament bee satisfyed out of lands applicable only to satisfye arreares of pay due to the army, itt is therefore agreed by the said Commissioners for setting out lands that the said Dr William Petty shall have the said 9665^{ac} 1^r 6^p, for and in consideration of the said one thousand pounds, which is the summe and totall of the debentures for satisfaction whereof the said lands are properly applicable, uppon condition that he will remitt unto the army the said debt of 3181^l 14^s 3^d, due for the arreares of one penny per acre as aforesaid.

And to the end the Commonwealth may suffer noe prejudice by giving out the

the said lands for the said summe of one thousand pounds, being below the Act rates, or rather equalization rates, the said Dr William Petty doth promise that if it shall appeare, upon the computation of the rates and values of the whole security of the army, that all the rest of the lands sett out at any time for satisfaction of the arreares thereof have not been sett out and accepted of att rates soe much above the Act rates as in the whole doeth equall or exceed $3181^{11} 14^{\circ} 3^d$, being the arreares of one penny per acre as aforesaid, whether the same hath happened by not satisfyeing of odd pences, or odd roods and perches, by leave and consent of the said army, or by advantagious but voluntary compositions made with some of the souldiers in satisfyeing of their debentures, or by the casuall exemption of lands depressed in their rates, after the rates were sett, from being sett out, that then the said Dr William Petty shall bring in soemuch of debentures as to make up what is soe wanting unto the said summe of $4181^{11} 14^{\circ} 3^d$.

Moreover, to the end the army may suffer noe prejudice by occasion hereoff, the said Dr William Petty doth further promise that, if any person that is now in arreare for the said penny per acre shall pay in what he soe oweth, that then the said Dr Petty shall bring in soe much of debentures, in lieu thereoff, as will ballance the same; and that the said Dr William Petty shall, to that end, att all times render an accompt, upon oath, if required, as well for all such arrears as hee shall soe receive as of what he shall restore backe, of what he hath allready received more then was due, by mistake or otherwise, and bee answerable for such surplusage as aforesaid. And the said Dr William Petty dos further promise to give bond of 3000^{11} for bringing in debentures as aforesaid, or resigne back into the hands of the Commonwealth soe many of the said $9665^a 1^r 6^p$ as shall bee requisite to make up the said want of debentures.

And itt is mutually agreed by and betweene the parties abovementioned, that in case his Highness said Councill shall not grant and allow unto the said Doctor William Petty the lands assigned to him by the said Commissioners, soe as he may have a firme and legall estate thereof, that then the said bond of performance be void, together with such of these present articles as he on his part is to performe.

Moreover, itt is agreed that if any of the said $9665^a 1^r 16^p$ shall bee taken from the said Dr William Petty, that then he shall have, in lieu of the same, by way of reprizall, his choice in the county of Lowth, before any part of the same

be otherwise disposed of, or out of any other lands disposeable to the army which shall be undisposed of att the time when the said lands shall bee soe taken away. In wittness, &c.

Whereby it appeares that the land which he received for 3181^l is but a pawne, whereof when any part is paid the Doctor is bound to give in soe many debentures in lieu thereof as whereby hee might have purchased the same quantity of lands in the ordinary way. And moreover, in case the State should dispence with the souldiers paying the said penny per acre for the coursest of the said undisposed lands, then they allow the same out of land in their owne dispose, and which was, as itt were, wonne att play with the army. Neither was this intended as an absolute grant from the Commissioners, for there is a condition which supposes the Councill may not confirme it, making certaine provisions in that case. Now how the army is wronged in giving but one penny as a pawn for threepence, which they justly owe, for soe it is, a penny in ready money being as good as three pence in debentures, and that with a condition of a redemption? And how is the State wronged, if they grant away towards the satisfying of their owne debt what they had won from the army, and that too in favour of the army, and for doeing the armyes bussinesse, and to exempt the army from paying three pence with what costs them but a penny, nay, with what they had not? And where is any fraud in a matter of this nature, after many debates, grounded upon the supreame and their subordinate ministers authority, *a priori*, and lyeable to bee null upon the said supreame authorities dislike of the whole transactions, when they should from exsperience be sensible of its inconveniency, are the questions; or rather, it is a question whether the State and their ministers granting such orders, and suffering them to bee afterwards questioned, bee not fraud and trepanning.

This order was first granted by some of the Commissioners the 24th of Aprill, viz^t, by as many as were then in being, and afterwards confirmed, with some small additions, about November; nor was any subduction even in due cases made, because the time for making them was not by the said articles come, and that other further additions, to reballance the said subductions, might happen, as some actually did, before the said time of a finall accompt was come.

Whereas the above order of the Councill, dated the 6th of March, gave lycence to satisfye the said arreares of pay as debentures, and one thousand pounds in debentures, as all to redeeme mortgages. Now the first said order of the

the Commissioners concerning only the two former particulars, it was thought more safe and honourable to make a further application to the Councill, before the concession concerning mortgages was putt in practice; wherein, as was just and convenient, the Dr^r sett forth to the Councill the manner how the benefit hee mentioned in his petition did arise unto the State by the advantage of the enhaunced above the depressed rates, and withall their power to dispose thereoff in pursuance of their order of the 4th of February aforementioned, as allsoe the reason why he desired that the benefit of such the States game or winnings should be applyed for and towards his owne accommodation, to answer the formality of a legall title; itt being as reasonable that a thousand acres of lands, incumbred for more in name, and thrice more in deed, then the State is allowed to sell it, should bee given away even for a shilling, then that one thousand acres of wood, bogg, or mountaine, perhapps of a considerable intrinsick value, should be given away for nothing; and the rather because such equalizations are highly countenanced by the aforementioned ordinance of the second of September, 1654, provided for the like cases: upon all which grounds, and much more alledged *pro* and *contra* att several meetings of the Councill, the following order was obtained, *viz*:

By his Highness the Lord Protectors Councill for the Affaires of Ireland.

Upon reading the petition of Dr William Petty, setting forth that, by order of this board of the sixth of March last, he had liberty granted him to redeeme any lands he should pitch uppon, if mortgaged for more money then the amount unto att the Act rates, and that he can make noe use thereoff without some way of making himselfe a title, according to the Act; and thereupon praying that he may have the accomodation of such surplusage as shall happen in the whole lands assigned for satisfaction of the army (by reason of the not satisfyeing odd perches and pence, satisfyeing debentures, by way of composition, at rates above the Act, and the enhanceing and depresseing of barronyes), as whereby he may make a title unto the few lands which he may bee able to redeeme with his money, att rates exceeding the Act. And forasmuch as, upon consideration had thereon, it is conceived that the granting the petitioners desires will bee noe loss, but an advantage to the State and army, both as to the satisfyeing more publicke debt, and by the quitt rent increasing the revenue, itt is thought fitt, and accordingly ordered, that he have the accomodation

dation of the surplusage of rates and values that shall happen upon the account afforesaid; and that upon the petitioners adding of souldiers debentures unto the money to bee by him paid for the redemption of such lands, that soe much lands as he shall thinke fitt soe to redeeme bee legally assigned and sett out unto him, provided the lands soe to bee purchased bee mortgaged or otherwise incumbered for more money then they amount unto, att the respective Act rates, where such lands shall lye. Provided likewise that the said lands soe to bee redeemed doe not in the whole exceed the number of two thousand acres in Leinster and Munster, and one thousand acres in Ulster, and as contiguouse as may bee, and without intervalls, &c., according as he shall make choice thereof in those respective provinces; provided, nevertheless, that this order bee not construed or intended to extend to the prejudice of the just right or claime of any person or persons interressed and concerned in the premisses, in case any such bee, and that his proceedings herein be registred in the Surveyor-Generall's office, as there shall bee occasion. And hereof, and of the afforesaid order of the sixth of March last, the officers of his Highness court of Exchequer, Commissioners for setting out lands for satisfaction of the army, and all others as the same doeth or may concerne, are to take notice accordingly. Dated att the Councill chamber in Dublyn, the 20th of May, 1657.

THO. HERBERT, *Clerk of the Council.*

In which order, among other things, provided that the whole three thousand acres should bee incumbered more then amounted unto at the Act rates, without debaring the D^r to take of the said incumbrance for less then it was, neither could that provisoe in reason bee understood to forbid his taking of some small parcells mortgaged for less, provided some others were charged for soe much more att the said Act rates, soe as that both together answered the words of the order, ffor in such case the great incumbrances would have been given up wholly to the mortgagee, and never have been brought to pay quitt rent to the State, as by this other literall and plaine construction they have been. The Comissioners order was as followeth:

By the Commissioners for setting forth Lands to the Army.

In pursuance of two severall orders of his Highness the Lord Protectors Councill for the affaires of Ireland, the one dated the sixth of March, 1656, and the

the other dated the twentieth of May following, and by vertue of their commission, dated the 7th of July, 1656, and an order of the Councill dated the twentieth of May, 1657, relating thereunto, the said Commissioners doe hereby sett out unto Dr William Petty, his heires and assignes, for ever, in satisfaction of two shillings and seaven pence, being the unsatisfyed part of the debenture of Hugh Jammick, the whole being three pounds five shillings and eight pence,

The severall lands undernamed, containing three thousand acres and ten pole profitable land, and of unprofitable one hundred and seaventy acres and two roods, being mortgaged for more money then they amount unto att their respective Act rates, which mortgages the said Dr is to redeeme; being according to the demand and engagement of the said Dr, with reference to the aforesaid orders of the Councill remaining with us, vizt.

Memorand. That the money which was actually laid out to purchase the land conveyed to the Dr by those two orders cost more then to have proceeded in the most vulgar way of purchase by debentures, soe that the wholle purchase was essentially a service to the State, and but by accident an advantage unto the Dr, and but such an advantage as was common to all other kinds and wayes of acquisition.

About February, 1657, when the Commissioners had done as much as well could bee done as Commissioners for setting out the lands, the Dr observed the treasury so low that he despaired to obtaine any such recompence in money as he thought in reason and conscience might answer the paines, hazzard, and hatred he had endured by reason of this service, and therefore desired the Councill, untill they could doe for him what might answer the end aforesaid, that they would give him leave to bee satisfyed for certaine debentures which hee should purchase by election, upon the same reasons as before; whereupon they grant him the following order with much cheerfullness and unanimity, as was declared, vizt:

By the Lord Deputy and Councill.

H. Cromwell.

Upon consideration had of the extraordinary paines and care taken by Dr William Petty in and about the equall and regular allotment of lands unto the army, in satisfaction of their arreares, the Lord Deputy and Councill doe hereby agree and order that the said William Petty shall have leave to purchase soe many

many debts or debentures due for service since the sixth of June, 1649, as may bee brought, at such rates as have been most usually and frequently given, according to their respective lotts, rights, and places of satisfaction, for the summe of two thousand pounds ready money, and that the said debts shall be satisfyed in such places as the said William Petty shall desire, at such rates and with such other advantages, the *quota* of $\frac{1}{4}$ being in due manner observed, as doe not prejudice or damnifie neither his Highness and the Commonwealth, or the army: and it is hereby referred to Vincent Gookin, Ralph King, and Miles Symner, Esqrs., or any two of them, to putt the premises in execution accordingly. Dated at the Councill chamber in Dublyn, the 5th of Ffbruary, 1657.

WILLIAM STEELE, *Canc.*
RIC. PEPYS.
MAT. THOMLINSON.
WILL. BURY.

Upon which order are grounded the four orders following.

By the Commissioners for setting forth Lands to the Army.

Whereas by an ordenance of His Highness the Lord Protector, by and with the advice and consent of his Councill, bearing date the 22th of August, 1654, itt was ordained that the persons to whome the lands to be sett out to Generall George Monke have or shall by lott or otherwise fall or bee assigneable, shall, in case they be sett out to him in lieu thereof, receive proportionable satisfaction by other lands of equall value in the county of Clare reserved from the transplantation, and that the Lord Deputy and Councill be authorized to appoint and sett out lands to them of equivalent value in the said county accordingly; and whereas his Highness the Lord Protectors Councill for the affaires of Ireland, having appointed lands to bee sett out in the county of Wexford, in satisfaction of certaine arreares due to General George Monke, amounting in the whole unto two thousand six hundred thirty-seven pounds five pence, in lieu thereof have by their order of the two and twentieth of July, 1657, appointed that five thousand eight hundred and sixty acres, being the number of acres which, att the Act rates of four hundred and fifty pounds per thousand, doe satisfye the above debt of two thousand six hundred thirty-seven pounds five pence, should bee sett out unto those concerned in the lott of the county of Wexford,

Wexford, formerly impaired by the aforementioned assignement made to the said Generall George Monke, whereby the said 5860 acres are, by vertue of his Highness said ordinance, and the above mentioned order, drawne within the security of the army for arreares since 1649; and whereas the Lord Deputy and Councill, by their order bearing date the fifth day of this instant February, uppon considerations of certaine services done by Doctor William Petty, have given him leave to be satisfyed for certaine debentures due for service since 1649, in such places within the security appointed for the satisfaction thereof as he should desire; lastly, whereas by reason of severall former distribution of the lands lyeing upon the mile line of the Shannon, betweene Loopshead and the county of Galway, itt doth not appeare that there are at present lands containing above 5860 acres undisposed of, if the north Liberties of Limericke should bee excluded, out of which the said Dr William Petty, by writings under his hand, bearing date the 24th instant, desired to bee satisfyed: wee, the Commissioners for setting forth lands to the army, doe, by vertue of a commission bearing date the 7th of July, 1656, and by vertue of the two speciall orders, the one of his Highness the Lord Protectors Councill for the Affaires of Ireland, and the other of the Lord Deputy and Councill aforementioned, hereby sett forth and assigne unto the said Doctor William Petty, his heires and assignes, for ever, the severall lands hereafter mentioned, viz' :

Which said lands doe containe in all, by admeasurement, 1453 acres, 1 rood,
 lyeing in the north liberties of the city of Limerick, and are in satisfaction of
 $653^{\text{ll}} 19^{\text{s}} 3^{\text{d}}$, being the $\frac{4}{5}$ parts of $915^{\text{ll}} 10^{\text{s}} 11^{\text{d}}$, being the summe of certaine
 debentures stated for service done since the 6th of June, 1649, received and
 cancelled by the said Commissioners. Given under our hands and seales this
 25th of February, 1657.

VINCENT GOOKIN.
 MILES SYMNER.

By the Commissioners for setting forth Lands to the Army.

Whereas his Excellency the Lord Deputy and Councill, by their order of the fifth of February, 1657, have ordered and agreed that Dr William Petty should have leave to purchase certaine debts and debentures due for service

since the 6th of June, 1649, and to bee satisfyed for them in such places as he should desire, and requiring the Commissioners for setting forth lands to the army, or any two of them, to putt the premisses in execution accordingly; and whereas the said Dr William Petty hath, by writing under his hand, dated the 15th of February, 1658, desired to be satisfyed part of the said debts in the parishes of Kilmore and Toysista, in the barony of Glaneroughty and county of Kerry, and by the severall lands hereafter particularly mentioned; the said Commissioners have ordered and doe hereby assigne and sett out unto the said Dr William Petty, his heires and assignes, for ever, the lands by him demanded, as followeth, viz^t:

Which said lands doe amount in the whole unto three thousand five hundred fifty-nine acres and thirty-one perch, which, at the rate of two hundred and fifty pounds per thousand acres, are in satisfaction of eight hundred eighty-nine pounds fifteen shillings and ten pence, nett, in debts due to the army since the sixth of June, 1649, due consideration having been had therein to the *quota* of the army. Given under our hands and seales, this 24th of March, 1657.

VIN. GOOKIN.
MILES SYNNER.

By the Commissioners for setting forth Land to the Army.

Whereas his Excellency the Lord Deputy and Councill, by their order of the 5th of February, 1657, have ordered and agreed that Dr William Petty should have leave to purchase certaine debts and debentures due for service since the 6th of June, 1649, and to bee satisfyed for them in such places as he should desire, and requiring the Commissioners for setting forth lands to the army, or any two of them, to putt the premisses in execution accordingly; and whereas the said Dr William Petty hath, by writing under his hand, bearing date the 10th of February, 1657, desired to be satisfyed for part of the said debts out of the lands following, lyeing in the barony of Duleeke, and county of East Meath; the said Commissioners for setting out lands to the army have accordingly ordered, and doe hereby assigne and sett out unto the said Dr William Petty, his heires and assignes, for ever, the severall town lands, with their rights, members, and appurtenances, conteyning the several numbers of acres, viz^t:

Which

Which lands doe amount in the whole unto 555^a 1^r 8^p, and, at twelve shillings per acre, are in satisfaction of 333ⁱⁱ 3^s 6^d neat, due consideration being therein had of the *quota* of $\frac{1}{5}$, as by the aforesaid order was to be observed. Given under our hands and seales, the 11th day of February, 1657.

VIN. GOOKIN.
MILES SYMNER.

By the Commissioners for setting forth Lands to the Army.

In pursuance of an order of the Lord Deputy and Councill, bearing date the 5th of February, 1657, and by vertue of a commission from his Highness the Lord Protectors Councill for the Affaires of Ireland, dated the 7th of July, 1656, wee doe hereby assigne, allott, and sett out unto Dr William Petty, his heirs and assignes for ever, the number of two hundred and fifty acres out of the lands of Newtowne, in the parish of Duleeke, in the county of Eastmeath, marked upon the plott (23), and formerly the propriety of Nicholas Darcey, for and in satisfaction of 150ⁱⁱ, consisting of debts due to severall officers and souldiers for service in Ireland since the 6th of June, 1649, and for service in England before that time, according to the *quota pars* or proportion of five parts, the whole being into seaven divided, att twelve shillings per acre. Dated the 20th of February, 1658.

VIN. GOOKIN.
RA. KING.

Soe that the Doctor yett wants satisfaction for above 3000ⁱⁱ to make up what was intended him by the above concessions of authority.

CHAPTER XVI.

WE are now to returne where wee left off, to wit, how the officers moved the Councill that the Dr might bee imployed to the adventurers about the manner of cutting of the surplusage, if any thing appeared; the Councill assent, grant the commission following, with a letter to the committee of adventurers:

Instructions to Dr William Petty concerning the Settlement of the Adventurers.

H. Cromwell.

You are to goe to Grocers Hall, and there deliver the letters you have received from this board unto such committee or other persons as you shall understand to have most usually mett and acted in and about the settlement of the said adventurers.

You are to procure from them an answer to the said letters, and, having conferred with them of the severall causes and remedies of their unsettlement, you are, as often as there is occasion, to returne unto this board an accompt of your proceedings with the said committee uppon the said affaire.

Given att the Councill chamber in Dublyn, the 7th of May, 1658.

WILLIAM STEELE, *Canc.*

RIC. PEPYS.

MAT. THOMLINSON.

Gent.

Whereas severall of the deficient adventurers doe dayly make applications to us for their satisfactions; and whereas, on the other hand, the army, conceiving that the county of Lowth, or part thereof, will fall unto them, the originall ten halfe countyes containing, as they suppose, a sufficient security for the whole debt of the adventurers, doe allsoe desire that computation be forthwith made whether any such surplusage doeth belong to them or noe; these are to lett you understand that wee are willing to contribute our uttermost help to both, and to that end have sent the bearer, Dr Petty, unto you, to acquaint you in what condition and forwardness things are here in order to the said ends, and to conferr with you about the way how, and by what persons, and where, according to rule, the said ends and finall settlement of the adventurers may bee accomplished, desireing you, as well in your private as publicke capacityes, to afford your best help upon all occasions in prosecuting of the premisses, that the governement here be not causelessly ill thought of, that such who make advantages of the present confusion may bee discovered, that such as have only their just rights may bee confirmed therein, and that such adventurers as want it may bee speedily releived, the army receive the surplusage, if any be due, or knowne the contrary, soe as not to retard their other proceedings by a vain exspectation thereof, his

Highness

Highnesse quitt rents ascertained, and the lands themselves plainted, which, untill this settlement bee effected, can not be hoped for. Wee desire you to returme us an answer hereunto, that wee may consider of what is further to be done in reference to the whole affaire. Wee remaine

Your loving friends;

H. CROMWELL.	WM. STEELE.
RIC. PEPYS.	MAT. THOMLINSON.

Council chamber,
7th of May, 1658.

When the Dr^r came into England, he found himselfe out run by a libell sent from Ireland, and disperst up and downe amongst them in these words, viz^t:

Dublyn, the 12th of May, 1658.

Gent.

Before this come to your hands, you will hear of the arrivall of Dr Petty. He is a person that, by his former actings, hath not given any cause of future confidence.

Ffor there is not a mischief that hath encumbered the admeasurement of estates, both of the adventurers and souldiers, but he hath been the principall contriver, and for testimony hereof you may have consent of all persons concerned; and comes over now with new designes to destroy the adventurers interest by their owne consent, if it may bee;

If not, to doe it by gaining power from authority, for which end he thinks himselfe very well provided with plausible proposals.

Therefore it will be your wisdome to sticke close to the first Acts of Parliament, and what is done in pursuance of the same, and presently to employ an able man to make it his worke to observe his motions att Whitehall, that accordingly you may be provided with suitable applications; for he designes nothing less then the adventurers good, which wee thought necessary in faithfullness to impart to you, as being involved in the same condition with you. Lett these lines bee communicated to the rest of the committee, and soe farewell.

Your assured freind, &c.

Superscribed

Superscribed thus:

For the Worshippfull Alderman Fowke, att his House in Tower Street,
or, in his absence, to Mr. George Almery, neer the Old Jury,
London.

In soe much as all men tould him he had to doe with a company of very prejudiced persons, and should scarce gett them to hear him with patience, neverthelesse the D^r pursued his duty, soe as to present the above mentioned letter, and to appeare amongst them, where he found the drift of most of them to lye in the ends following, viz^t:

1st. To affront the States survey, and assert that survey which themselves had made as authentique.

2dly. To assert their liberty of purchasing on certaine termes whatsoever they had taken more then their due.

3dly. To bee confirmed in the places wherupon they had alreade seated themselves, notwithstanding all kind of irregularity in their taking of the same.

4thly. To keep of comming to accompt, or soe much as to shew the State what lands each of them was possessed of.

5thly. To have the States survey communicated to them, to try what advantages they could find in it more then in their owne, as allsoe what enormity they could discover in any part of it, to make a ground for overthrowing it wholly.

6thly. To send the deficients to the State for satisfaction out of Lowth and the four reserved countyes, that theirs might never bee looked into for what they had.

7thly. To sett up the committee of claimes at Grocers Hall, as the only legal, true administrators of this business.

The very first day of meeting the Doctor gave them such satisfaction concerning the good intention of the Councill in Ireland towards them, and the justice of what he had to propound, in order to their settlement, that att the latter end of the day they desired him to give them the heads of the method intended: hee did soe, giving them ten days to thinke of it. Att the end of this time, the generall scheme pleased most men; nevertheless every man had his exception, each to severall points, that the whole was in danger.

The

The first matter under sharpe contest was the allowance of the States survey, which was allowed by a vote of the committee of, &c.

The debate continues; the deficients, and such as desired a legall settlement in but what was their owne, are generally for the said petition and declaration, others as generally against itt; some of which party send the following libell:

Sir, you may take notice that some observers of your transactions at Grocers Hall are inquisitive what is the thing you drive att in all your meetings. I shall a litle acquaint you how the pulse beates, and in truth I find it very much distempered. The great cry of the adventurers is, they have a very unmeet physicion; not that the Dr wants braines or policy, they much more feare his integrity. To be plaine with you, tis the judgement of some men that your aime and end is to turne all things upside downe, and that, after sixteene yeares patient waiting and great hopes of settlement, you should drive a designe to rent and tear all in peices againe, that men may be wearyed out, and soe forced to sell and part with their interest at very inconsiderable rates; and for this end you have your agents in London, to buy all they can lay hold on; and tis reported you have the commands of many thousand pounds to purchase all you can compass. Sir, these are strange rumoures. I wish you did consider them, and either vindicate your selfe, or exspect a publication in print before your generall meeting, and such a one as shall lay open the projects of such men as compass sea and land to drive destructive designs to the innocent. That there should be such jesuited persons, or men should have the face to disturbe the peaceable proceedings and quiett settlement of men that have waited from year to year, one seaven yeares after another, and now been att great costs and expence, Sir, these are strange things. I wish the child unborne hath not cause to curse you upon this score. You have cause sadly to lay these things to heart. The souldiers mouthes are wide open against you, and tis supposed the adventurers will have small cause to bee silent. I have noe more to say to you, but leave it upon your conscience that you, I say you, must one day give an accompt of these things, and the Lord be judge betweene you and these poor innocent persons, many that know not the right hand from the left; they have a cry, and that cry will bee heard. And in the behalfe of the poor innocent is this

this paper presented to you by him that will patiently wait the issue of your proceedings, and remaine

Your servant, although in truth and reallity

16th of August,
1658.

No HAMONITE.

Att length the whole passed, maugre all oppositions, and the 20th of August was appointed to propound it to the common hall of all the adventurers, which was done. This generall assembly ordered itt to be printed, that every man having copies might bee prepared against the day of , being appointed for the next common hall to speake to it. This was done, and after some discourses *pro* and *contra*, the Dr did offer the twenty positions following to bee debated publickly with any who would undertake him thereupon.

Positions containing the summe and substance of all the debate agitated both by the committee and body of adventurers for lands in Ireland, in reference to the way of their settlement since the 10th of June, 1658.

1st. That it is the interest of the Lord Deputy and Councill of Ireland, not only as publicke persons, but allsoe for their own private ease, quiett, and satisfaction, forthwith to settle the adventurers.

2dly. That it is not their interest to doe the same by any unnecessary removalls, but rather to continue att small matters then to give way thereunto.

3dly. That their Lordshipps have clear power by the Act of Parliament not only to decide the great controversy which is now amongst the adventurers, but allsoe an originall authority to assigne unto each adventurer what lands by name shall bee applyed to his particular satisfaction.

4thly. That the army having received but 12^s 3^d per pound, and the defi-
cient adventurers nothing att all, their Lordshipps will bee earnestly called upon to putt forth their above mentioned power very suddenly; and in case the
adventurers will not agree to offer some advice how their Lordshipps shall pro-
ceed in the excercise of their said power, they will be speedily constrained to
proceed without it.

5thly. The Lord Deputy and Councill, in behalfe of the State, have noe in-
terest to impose unprofitable or intangled lands uppon the adventurers, nor to
withhold any priviledge or advantage allowed by the Act of Parliament; nor
will their Lordshipps doe any thing against the Acts and ordinances of Parlia-
ment,

ment, even although it were for the States advantage, and although the adventurers could bee supposed to petition them unto itt.

6thly. That even the army of Ireland have not used any meanes to putt hardshipp uppon the adventurers; nor have they any power or interest soe to doe, although what is saved by way of surplusage out of the adventurers proportion doth belong unto them.

7thly. That Dr William Petty hath noe interest of his owne, either in hasting or retarding the settlement of the adventurers; nor that the same be done by many or by few removalls; nor that the surplusage of the adventurers bee great or small; nor that any thing be done to the adventurers against the Acts of Parliament; and that he is not guilty of one wrong formerly done unto any individuall person of the army of Ireland in reference to his satisfaction, nor unto the adventurers now.

8thly. That the petition and declaration is the only answer drawne up by the committee that ever hath been given to the two letters from the Lord Deputy and Councill of Ireland, concerning the adventurers satisfaction, and the first compleat body of rules and directions for the adventurers settlement, and that it contayneth nothing impertinent, and very few things not absolutely necessary thereunto.

9thly. That the said petition and declaration was made by a sufficiently authorized committee, in a due manner, with a fair liberty to all men either to propose or reject as they pleased; that it was voted oftener then was needfull, in the whole and in parts; that it hath been many times since read before dissatisfied persons, and defended from word to word; and, lastly, since the 16th of July, when it was first drawne, nor since the 4th of August, att which time copies of it were given forth, nor since the 21th of August, since it came forth in print, hath any systeeme or body of the like rules appeared in competition with it.

10thly. That the survey whereunto this petition doeth submitt hath all the causes of sufficiency imaginable; that itt hath been made with as many prudentiall cautions as any former precedent can paralell; that by all exsperiments and judgements which hath been made uppon itt, it is more favourable to the adventurers then their owne; that it extends more favour unto them, even in the matter of unprofitable land, then can bee made out by the Act of Parliament of xvii°. Caroli; and much more then what is allowed in the Act of Sep-

tember, 1653, as the said Acts may bee rationally interpreted. And lastly, the said survey, althoough it were very faulty, because it is authentick, universall, uniforme, and regular, is the most safe rule the adventurers can goe by.

11thly. That although there were many errors in the said survey to the prejudice of the adventurers, it is to be supposed that there are as many and more tending to their lawfull advantage. The which errors of both sorts, being to bee dispensed by lott, are, upon the whole matter, noe prejudice, but rather an advantage, to the body of adventurers in generall.

12thly. That if there bee any prejudicall errors, either as to the title, quality, or quantity of their lands, ample provision is made, not only for their effectuall but for their speedy reparation in the same.

13thly. That the power of the Lord Deputy and Councell being the only legall power to make distributions, and their survey being the only authentique survey, it follows that only what is done according to them is a legall foundation to the adventurers.

14thly. That the survey taken by the adventurers is not universall, not uniforme, not soe much as probably true; that it hath been obscured and exposed to much corruption since it was made; that litle proof can be made that what is produced as the adventurers survey is really such, much less that it is true; and lastly, that it wanteth soe many of the essentiall conditions of an authentique survey, that it is none at all, neither in law nor equity, neither as to the matter or forme of a survey.

15thly. That the distributions made by the adventurers are all taxable of the same imperfections, and consequently that it is dangerouse for the adventurers to relye upon both or either of them.

16thly. That notwithstanding the distributions formerly made by the adventurers, according to the said imperfect survey and rules of distribution, be in their owne nature not to bee endured, nevertheless it is not the desire of the Lord Deputy and Councill, nor is it the intent of the declaration and petition, to alter the same, where there appeares noe manifest injury, and such as is obviosse to the very sences.

17thly. That the supposed perfect rule mentioned in the petition is not made as a judge uppon any past distribution, nor as a punishment even to offenders, but only as a remedy and releife to such as are wronged, and possibly may bee of noe use at all. Moreover, it may possibly give one who hath done

wrong

wrong a better satisfaction, in a way of right, then what he now holdeth in a way of injury.

18thly. That it is the interest not only of deficient adventurers, and of such as have taken but their dues, to joyne in this petition and declaration, but allsoe of such as have been injuriously irregular, forasmuch as there will allwayes be a meane and power to correct them, and the longer their injuries remaine undetected, the heavier will their punishments be for the same at last; and forasmuch as they are mistaken in the way of restitution, which they thinke the Act of Parliament doth prescribe, they being not capable of the favour which the gentle punishment and reparations held forth in the said Act doe seeme to allow unto them.

19thly. That Dr William Petty hath communicated the condition and forwardness of things in Ireland, in order to the adventurers settlements, as much or more then the Councill's letter sent to the committee doeth inferr. And he hath communicated even the surveyes themselves, not only as much as was necessary with reference to any point in debate at the committee concerning the whole business, but allsoe as much as the committee thought fitt. And lastly, that such communications as were insisted upon by some members of the committee were impracticable, and had been very dangerouse to the whole concernement of the adventurers, and only of advantage to some particular crafts-masters.

20thly. That it is more then probable that those persons who have been all along averse to the abovementioned declaration and petition have driven on their owne private designes, without respect to the common good of the adventurers.

Noe man appeared; another common hall was apointed the one and thirtieth of August, on which the whole was concluded, and power given to the committee to appoint the commissioners named in the said instrument.

At their next meeting they appoint my selfe, adding a branch to the said instrument whereby to express their said desire, and provide a consideration for the paines and charges to be bestowed on their settlement; and lastly, they write the following letter of thanks to the Lord Deputy and Councill of Ireland, the which letter, with the said petition and declaration, are as followeth, viz^t:

TO HIS EXCELLENCY THE LORD DEPUTY AND COUNCILL, AND THEIR LORDSHIPPS OF THE COUNCILL THERE.

The humble Declaration and Petition of the Committee of Adventurers for Lands in Ireland, sitting att Grocers Hall,

Humbly sheweth,

That your petitioners, taking into consideration the present confused state of the adventurers satisfaction in Ireland, and in order to remedy the same, have, in pursuance of your Lordshipps letter bearing date the 7th of May, 1658, and of the severall acts and ordinances of Parliament thereunto relating, have caused severall things, which were on their parts to bee done, to be forthwith put in hand; and have allsoe here collected such other things as they humbly desire may bee done by your Lordshipps; both which they humbly represent in the severall particulars following, viz^t:

1st. Your petitioners have made a compleat booke, to bee signed by the committee of clai mes and themselves, or their appointments respectively, containing the debt of every adventurer whose certificate for the same hath been stated unto this day, with the name of the barrony wherein the same ought (if it may be) to be satisfyed, as alsoe the order of priority wherein the said satisfaction ought to bee made.

2dly. They have desired the committee of clai mes to cause an estimate to be made of such debts for which noe certificates have been yet issued, which, as they probably conceive, will bee hereafter claimed and allowed.

3dly. In case noe lands bee put upon the adventurers, as part of their measure, in satisfaction, but such as are profitable and forfeited, with all other privileges and advantages, according to the Acts and ordinances of Parliament, then this committee are of opinion that the generall survey and admeasure ment last taken by your Lordshipps, under the oversight of the Surveyor-General and Dr William Petty, bee submitted unto, and not otherwise.

4thly. They desire that such bookees may be made as Dr Petty has shewed them formes and paternes off, by him called neat books, and containing the names of the lands surveyed as forfeited, the number of profitable and unprofitable acres, both according to your Lordshipps survey and the private survey taken by the adventurers, when the said adventurers survey can be had, as
allsoe

allsoe the names of the lands subducted out of the same, either upon the accompt of decrees for constant good affection, compositions, private grants, and incumbrances of any kind whatsoever, and consequently contayning an accompt of what lands are neat and cleerely disposeable for the adventurers satisfaction, together with an accompt of what lands the adventurers have assumed of themselves, and by their owne particular survey and rules of distribution, in satisfaction of their respective debts, and withall on account how the lands now found upon a more view disposeable are to bee distributed, pursuant to the more perfect rule of distribution hereafter to be framed, in pursuance of this present declaration and petition. And lastly, of the finall distribution and settlement of all the said lands, according to the former or future wayes of distribution, and according to such expeditiess of reconciliation and private agreement which may happen to cause alterations in either of the said methods of disposure, desiring your Lordshipps to contribute whatsoever is necessary on your Lordshipps part, as mapps, &c., towards the making and compleating the said books and accompts.

5thly. When the debt and creditt of the adventurers is ascertained in manner afforesaid, both in generall and allsoe upon every particular province, county, and barony, and that thereupon an accompt is made exspressing what barronyes are deficient and what have a surplus, they desire and propound, that in order to repaire the one and with the other impartially, and according to all or any the provisoess of the Act of Parliament in that behalfe made, that it may distinctly bee determined by lott which province, county, and barony shall succeed each other; that thereupon two distinct lysts, the one of all the deficient barronyes, the other of all the surplusage barronyes, may be drawne forth; and the barronyes contayned in each may bee placed in such order of priority as by the said lott is or shall bee determined. And it is further desired and propounded that the barronyes of the county of Lowth, except the barony of Atherdee, bee added to the afforesaid list of redundant barronyes, each of them in such order of sequence as by lott shall be determined.

6thly. Itt is humbly propounded, that if any surplusage shall appeare uppon the afforesaid lyst of redundant barronyes, the county of Lowth being soe comprehended, the same may bee cutt of upon the last barronyes of the said list; and that such generall surplusage may be withheld from disposure to the army, for some reasonable time to be agreed uppon, wherein your petitioners may
make

make out what reall damages they have received by errors in your Lordshipps said survey, which they have conditionally submitted unto as afforesaid, either as to the quantity, quality, or title of the land by them accepted according to the said survey, to the end they may have due reparation for the same out of the reserved surplusage lands, as to your Lordshipps shall seeme just.

7thly. The satisfaction of the adventurers as to the whole being thus regulated, itt is further humbly proposed as followeth, viz^t:

1st. They desire that deficient barronyes may bee repaired out of the redundant barronyes, one after another, according to the paralellisme of the two above mentioned lists of deficient and redundant barronyes; that is to say, that the first deficient baronies may be repaired owt of the first redundant baronies, and soe downewards, untill all the deficient barronyes bee compleatly satisfyed out of soe many of the first redundant barronyes, as they stand in the order of the above said lists, as shall suffice for the same.

2dly. Forasmuch as there hath been already made by the committee of adventurers several rules for distributing of baronies to the particular allottees and individuall persons contained therein, your petitioners doe humbly exsplain the chiefe of the said rules, as followeth, viz^t: Where it is said that a barony shall bee divided into quarters, itt is to be understood that all the lands, both profitable and unprofitable, forfeited and unforfeited, comprehended within the true outline of every such barony, bee divided into four equall parts, as neer as may bee, whether the same be done by lines of different position, as by north and south lines, and east and west lines together; or by paralell lines and such as are of the same position, whether they beare north and south, or east and west, or uppon any other point only. And whereas the said divisionall lines, being intended to bee streight, may probably cutt many denominations into two parts, your petitioners, desiring that entire denominations may bee preserved as much as possible, doe exsplain themselves, that they intend that on which side soever of the afforesaid quartering line the gratest part of any denomination falleth, that the whole denomination shall be reputed and deemed to lye entirely on that side of the said quartering line. Both which exsplanations your petitioners humbly desire may bee applyed to the matter of subquartering, where any such thing hath been agreed upon.

3dly. And to the end there may bee certaine rules where such rules are not already for passing from the first denomination, which soever the same bee, to the

the second, third, fourth, fifth, &c., your petitioners desiring that the same may bee for the future determined, and to that end they propound that every barony, being duely quartered by rule, or the mutuall consent of the major part of the adventurers concerned therein as afforesaid, may bee reduced, as to the severall denominations comprehended therein, into one continued file or string of contiguity, soe as it may be certainly knowne, from the first to last dispeseable denominations, or part of denomination, in what order of priority each of them shall be disposed of. And this wee desire may be don by three severall artists, from whome the knowledge of the lists of priority of lotts contained in the debt booke may bee carefully withheld; and that they make their said strings of contiguity in the presence of some persons to bee entrusted for that purpose; and that, when three such strings are soe made, that one of them be chosen by lott, as the only rule to be observed in the matter of succession.

4thly. They further propound, that the persons employed in making the said files of contiguitie doe determine by what line every towne land shall be cutt, in case there bee occasion thereof, for making up a just number of acres, answering to each lott or debt.

Now, although it were to be wisht that the above mentioned rules of distribution, as being supposed perfect, had been followed in the adventurers former assuming of lands for satisfaction, yet hoping that the proceedings of many such adventurers, though made otherwise, have not been either contrary to their owne rules or injurious to their fellowe concernees, your petitioners humbly propound that distinctions may be made betweene such of the former distributions as are fitt to bee continued from such as are not; in order whereunto, they offer that a distribution bee made according to the above mentioned supposed perfect rule, forthwith, by such instruments as your Lordshipps shall thinke fitt, together with a like number to bee allsoe approved by your Lordshipps, such as shall be humbly recommended by your petitioners; and that the said distribution, being soe made, bee sealed up and kept private, untill examination be had of the afforesaid former proceedings of the adventururers; to which end it is humbly propounded:

1st. That a person or persons bee appointed att London and at Dublin, both to receive from all such adventurers as are already possessed of lands for their satisfaction an accompt of what lands, by name, they are soe possessed of, with an intimation of their desire to continue in the same, in case noe injuriose irregularity

irregularity can be made appeare to have been practized by them in acquiring the said satisfaction.

2dly. Your petitioners thinke fitt, publicke notice being given in churches, diurnalls, and by all other convenient wayes, both in England and Ireland, that such accompts or desires ought to bee brought unto the persons which shall be nominated as aforesaid; that such adventurers as doe not bring in the said accompts or desires within two moneths after the above mentioned supposed perfect rule is declared to bee sealed up, shall not have any benefitt of their said former assumptions or possessions not being according to the said rule. And withall, that all surveyes made at the charge of the adventurers, which shall not bee brought in and exhibited within the said two moneths time, either at London or Dublyn, shall be declared null, and the distributions made uppon them bee consequently declared null and voyd likewise.

3dly. They humbly propound that the person or persons to bee appointed at London to receive the said surveyes, and the above mentioned desires of particular adventurers to continue in their satisfactions formerly assumed, doe transmitt the said surveyes and desires to the above mentioned committee at Dublyn, consisting both of your Lordshipps instruments and of those other persons recommended by the adventurers as aforesaid, to the end that the reasonableness of the said desires, as allsoe of such other desires as shall bee exhibited at Dublyn, may bee examined; in order whereunto your petitioners humbly propound:

1st. That the distribution to all persons who are concerned in a barony, whereoff the survey is not produced as aforesaid, be null.

2dly. That although the survey be produced, yett if the barrony plott whereby the distribution of the said barrony hath been actually made, hath not been, according to appearing outline of the same, divided into four parts, answerable to the four proportions or quarters of money respectively which appeare by the booke of lotts to have been drawne uppon them, but that there is contained in one or more of such quarters above fiftene *per cent.* more or less then there ought to bee, your petitioners conceive that soe grosse a miscarriage in the foundation of the distribution is a sufficient reason why all the distributions founded thereupon shall bee declared null.

3dly. Where the States survey maketh more disposeable acres in any barony then the private survey exhibited by the adventurers doth, whether the same happen by the adventurers omitting of certaine parcells taken in by the

State,

State, or by reason of difference in distinguishing the quality, or through difference in admeasurement not exceeding three *per cent.* upon the profitable and forfeited lands of the whole barony, it is thought fitt, to avoyd the necessity of imposing small scraps of land uppon some deficient adventurers, that soe much of the said distribution be null as is subsequent to the first irregularity, and that the above mentioned distribution made by the supposed perfect rules be adheared unto in lieu thereof, provided that those who are removed by vertue hereoff shall be allowed the value of their necessary improvements, as the same shall be sett by indifferent persons to be chosen for that purpose.

4thly. They humbly propound that in all other cases the distributions made by the adventurers shall stand, unless in the particular cases of individuall persons hereafter mentioned, viz' :

1st. Where a satisfaction consisting of several denominations is in length, from one extremity thereof to the other, more then triple the breadth of the same, provided that the lines by which length and breadth are computed doe cross one another at right angles, except where the said proportion or satisfaction, as to the quantity, could not be sett out otherwise then in such disproportional figure, and except such distribution be acquiesced in by all or the major part of the contiguous allottees, which kind of acquiescence your petitioners accompt a generall exception to particular irregularities, for as much as the same cannot be injuriose where all or the major part of the persons concerned are content, and doe allow of the same.

2dly. When, in proceeding from an assumed point of beginning, according to any line of progression, the subsequent denomination is either not contiguouse to some of the preceeding, or not most according to the said line of progression, the subeequent denomination. As, for example, if the point of beginning or entrance be in the denomination (A), and the line of progression be from north to south, and the denomination taken next after (A) be (B), your petitioners doe understand that if there be any other denomination contiguous to (A), whereof any part is more northerly then any part of (B), in such case the denomination (B) is injuriously taken.

3dly. If, to make up a satisfaction for any lott, more then two denominations (by denomination being understood the disposeable part of a denomination) bee cutt, wee conceive the same to be injuriose.

4thly. If a distribution bee omitted by the first private distribution, which
IRISH ARCH. SOC. 2 I is

is admitted by the supposed perfect list, all those allottees whose proportions touch the same shall be guilty of that omission; and if but one allottee proportion touch the same as aforesaid, then the said allottee, by reason of the said omission, is removable; but if there be more than one, in such case one of them is to bee chosen by lott, who, by removall, is alone to suffer for the whole, except it can bee made appeare that at the time of the said distribution some claime was entered uppon the publicke booke of the civil survey, or that some order of suspension from the Councill bee produced, which might be a reason and excuse for the said omission.

5thly. That all possessions taken by deficients of surplasages in lands, without lotts drawne for the speciall county, barony, and denomination where such possessions are or shall be, without publication of the allotment before hand, and freedome for all others in the like cases to the like lotts, bee utterly voyd.

Wee further propound that after the expiriation of the two moneths appointed for bringing in the surveyes and desires of continueing each man in his respective possession, that another time be appointed for those who shall make the said desires to prove that the said possession were allowed to them in the former distribution, and withall to answer such charge of injuriose irregularities which may be made against the same.

Having thus framed a supposed perfect rule of distribution, as allsoe rules whereby to reject some of the former distributions totally, and withall to distinguish the designed and injuriose irregularities committed within other distributions, althoough allowed of in generall, and having propounded the persons by whome and the places where this whole affaire is to bee transacted in its severall parts respectively, itt is lastly propounded that all omitted cases not reducible to the above proposalls, and that the interpretation of all ambiguities upon the said proposalls themselves, bee referred to the aforesaid Commissioners, as such in whose determination your petitioners are contented to acquiesce.

Now, althoough your petitioners are not ignorant that the right of making a survey is in your Lordshipps, and that the Act of Parliament giveth your Lordshipps clear power to decide controversies between adventurer and adventurer, nevertheless your petitioners humbly desire that out of tender regard to the confusions wherein they are involved, and to the severall and repugnant interests which are or may be among them, that your Lordshipps would be pleased to exercise your said authority soe far as may bee without prejudice to the

the publique, according to the above mentioned advice, which, by your Lordshipps favour and invitation, they have been emboldened in this manner to present.

CHAR. LLOYD.	MA. THOMPSON.
THO. GOWER.	JO. HOLLAND.
THO. EYBES.	GEO. CLERKE.
NA. CRISPE.	JO. GREENESMITH.
WM. BARKER.	JA. EDWARDS.
THO. JUXON.	RIC. HUTCHINSON.
WILL. HICCOKS.	NAT. MICLETHWAIT.
JO ^N . WOOD.	THO. YOUNG.
CHA. CHEYNE.	JO ^N . BONCLE.
JO ^N . FISHER.	THO. UNDEBHELL.
WM. COLLINS.	SAM ^{LL} . BLACKWELL.
CADWALL. FARRINGTON.	SAM. EAMES.
HEN. STANDISH.	JO. CLERKE.
RIC. ALCHORNE.	GABR. BENYOR.
JO. PERROTT.	PET. DE LA NOY.
FFRAN. BETTERS.	JO. BURROUGHS.
WM. METHWOLD.	RIC. & DAV ^D . LEADER.
JO. SWEETING.	WM. GUNSTON.
JO. GODFREY.	GIL. BRANDON.
EDM ^D . LEWIN.	EDW ^D . WOOD.
THO. LINCOLNE.	JO. WILLIAMS.
WM. GOODMAN.	GEO. EYRE.
CHA. FFARRELL.	MARY MELHVISH.
WILL. SPURSTO.	LAW. SAUNDERS.
BARNETT TREMLETT.	FFRA. HILL.
GODFREY HALL.	JO. HALL.
GILES SUMPTER.	WILL. GOODWIN.
THO. SEARES.	RIC. DEACON.
HUGH ROWLEY.	NAT. WRIGHT.
SAM ^{LL} . DALBE.	RIC. WINSTON.
ROB ^T . NORMAN.	FFRA. COLLINS.
JO. SMITH.	BEN. COLLYER.

THO. CROWDER.	JO ^N . SANDON.
W ^M . WHITTAKER.	THO. HUDSON.
GEO. GLASCOCKE.	GEO. EWRE.
CH. FOX.	AND. POPE.
WILL. LAWSON.	JO ^N . HIERON.
CH. SUTTON.	WILL. WOODHOUSE.
JO ^N . FFLESHER.	JO. ROLFE.
GEO. BATHE.	JO. MERRICKE.
THO. JENNER.	THO. OWEN.
JER. RUSHLEY.	HEN. HAWKES.
ROB ^T . BABEFOOT.	SARAH BOCKAT.
SAM. LINNE.	DAN ^{LL} . THEOBALDS.
WILL. SLED.	ERASMUS SNELLING.
JO ^N . HUMPHREY.	ROG ^R . CHILBINGWORTH.
CH ^R . SEARLES.	GAM. VOYCE.
MAT. TAYLOR.	JO. SEELING.
JO. TAYLOR.	SOL. SIBLY.
THEO. BRISCO.	THO. FFIELD.
ED. PIKE.	

*Explanations, Amendments, and Additions of the aforesaid Declaration
and Petition.*

In pursuance of your Lordshipps owne favour and just endeavours of preventing unnecessary removalls, and in considerations of your petitioners readiness to submitt to your Lordshipps survey, your petitioners desire that three *per cent.* difference in admeasurement betweene your Lordshipps survey and the adventurers bee not taken notice of, viz^t, in such cases where the adventurers survey hath been already made use of as to distribution; and where noe other cause appeares for nulling the said distribution then the said difference in quantity, your petitioners pray that such distributions be neither annulled, nor that any retrenchment be made where the adventurers survey differeth not above three *per cent.* from the States.

2dly. Your petitioners humbly desire that by the word null in the above petition and declaration, where tis said that soe much of the said distribution be null as is subsequent to the first irregularity, shall not be intended to remove any

any person out of the barony, if there be land enough there for his satisfaction, but only unto his right and proper place within the same.

3dly. Your petitioners humbly desire that they may have the full benefitt intended them by the severall Acts of Parliament in the matter of woods, and for as much as the latter Acts of Parliament seeme, though in words only, as your petitioners hope, to be more hard towards the adventurers then the preceeding Acts were, upon which they adventured their money, your petitioners desire that your Lordshipps, in tender consideration thereof, would at least allow them the full benefitt as afforesaid of the said latter Acts, according to the most favourable interpretation that the words of them will beare, which, as your petitioners conceive, is, that not only the woods be cast in unto them, but likewise that the soyle allsoe wheruppon such woods doe grow bee not reckoned unto them as part of their measure.

4thly. Althoough your petitioners have alreadly desired that the agreement of the major part of the parties concerned may bee a universall exception to irregularityes, yet they desire, for the further and more particular security of all those who, by such agreements, have made their distributions, subdivisions, and settlement by paralell lines, without regard to the former distinctions by plow lands, towne lands, &c., that such distributions by paralell lines may stand, where other injuriouse irregularityes and just causes of alteration are not found in such proceedings.

5thly. Whereas your petitioners have, by the third article of their above petition and declaration, submitted to your Lordshipps survey, with condition that noe land be reckoned to them as satisfaction which ought to bee cast in over and above their measure; and forasmuch as severall controversyes may arise thereupon, the decision whereof, if not made in some speedy and regular way, may prove a great cause of delay and vexation to your petitioners; they therefore humbly pray that where complaints of error as to profitable lands shall bee made, that your Lordshipps would appoint the clerke of the Councill, upon application to them by the above Commissioners for regulation, to issue out such commissions of course to the sheriffs of the respective countyes, for empanelling juries, reviewing of lands where complaints are made, &c., as may be sufficient for the ends above mentioned; and that the determination of such wrongs, as allsoe the reparation of them where there is cause, may be in the said Commissioners, according to the above petition and declaration.

6thly. And

6thly. And for the better ascertaining of lands decreed away upon claimes or compounded for, that the said Commissioners, uppon receiving the neat booke, may, uppon better information, take other lands into charge which are left out of charge, and putt any other lands out of charge which are given in charge.

7thly. That your Lordshipps will bee pleased to reserve all the forfeited lands within the adventurers moyety of the ten countyes and Lowth, for and towards the adventurers satisfaction only, untill all and every the respective adventurers bee satisfyed their particular proportions for the summes by them subscribed and paid, and untill they bee repaired for such damages as they shall receive by errors or mistakes of survey, as allsoe by incumbrances on their respective lands.

8thly. Your petitioners doe humbly desire that such determination and finall settlement of every adventurers satisfaction as shall be agreed uppon by the above mentioned Commissioners authorized by your Lordshipps may bee approved of by your Lordshipps, and confirmed with the seale of the Councill of Ireland; and that the survey whereupon the certificates for the same are grounded may be attested by the Surveyor-Generall; and that your Lordshipps would, together with the said approbation, give warrant to the sherriffs of the respective countyes to deliver to possession according to the said certificates respectively.

9thly. Your petitioners doe further desire that the county of Kildare may bee divided by lott betweene the adventurers and souldiers, in order to their respective reprizalls, as the ordinance in that behalfe made doeth direct, and that such part thereof as falleth to the adventurers may be sett out unto them by lott and string from time to time, as occasion shall require, for reprize of incumbrances by lease and otherwise.

10thly. That your Lordshipps would bee pleased to accept of and appoint D^r William Petty to transact the above mentioned affaire, both in the behalfe of your Lordshipps and your petitioners, instead of the abovementioned Commissioners intended for management of the premisses, being a person of whose ability and integrity your petitioners have received good satisfaction; and that your petitioners may be at liberty, in case of his refusall, death, or other considerable absence before the said worke is finished, to recommend others in his stead on behalfe of your petitioners.

11thly. Thatt all such as have received the rents and profits of any surplu-
sage

sage lands shall accompt for and pay the same to such persons to whome such lands shall bee allotted and certifyed, their reasonable charges being thereout first deducted.

12thly. That such adventurers as shall be removed out of any deficient barony into a surplusage barrony may have the like preceedure, priority, and succession to each other in such surplusage barronies as they should have enjoyed in the said deficient barronies.

13thly. And your petitioners doe further humbly acquaint your Lordshipps that they doe thinke convenient, and have agreed and resolved, that there be a leavy of three halfe pence uppon every Irish acre, profitable and unprofitable, for which the respective adventurers shall have their ultimate particular allotments certifyed, together with mapps attested by the Surveyor-Generall, and orders of the Councill for possession, to be paid by the respective adventurers unto Dr William Petty, att the time when such particular allotments, orders, and mapps, shall bee attested and issued, and not before; and that a farthing of every the said three halfe pence be paid by the said Dr William Petty, from time to time, as the same shall come in, to such treasurer or treasurers as this committee shall appoint, for and towards all charges incident to the adventurers settlement in England; and that one other farthing thereof bee for the clerks of the Councell, Surveyor-Generall, and publique Register in Ireland, for their paines and care about the adventurers affaires; the said public Register causing the premisses and the particular allotting and setting out unto said respective adventurers of their shares and proportions, according to the Act in that behalfe, to bee recorded or registered, and attesting the same accordingly: which wee desire your Lordshipps to order according to our said desire.

Signed in the name and by order of

Grocers Hall,
17th September, 1658.

the said committee,

Jo. Mosyer.

May it please your Excellency and Lordshipps,

The committee of adventurers, having received your Lordshipps letter of the 7th of May last, doe deeply acknowledge your Lordshipps very great favour in offering to contribute your utmost help towards the settlement and satisfaction of the said adventurers, and that in order thereunto, and as a further pledge thereoff, your Lordshipps have been pleased to send over Dr Petty, to conferr with

with them touching the persons by whome, the place where, and the meanes how, according to rule, the finall settlement of the adventurers may bee accom-
plished; which good intention of your Lordshipps, after many debates uppon
the contents of the said letter, and the communication thereoff to the body of
adventurers at four severall meetings, was received with soe much content-
ment as hath begotten such an encrease of confidence in your Excellency and
the Lords of the Councill in Ireland, that they doe by and with our selves
hereby returne your Lordshipps humble thanks for the same. Moreover, wee
have, in answer to your Lordshipps said letter, herewith sent a petition and
declaration, with some additions and exsplanations thereupon agreed unto by
this committee, to bee presented to your Lordshipps, as the substance of what
they have, after many weekes debate among themselves, and with freedome to
all adventurers and others who desired to bee present, and after the printing
thereoff, and four severall meetings of the body of adventurers, thought most
conducing to the ends of your Lordshipps said letter, and in particular to
answer that part thereof which concernes the persons, place, and meanes of
transacting the said adventurers settlement; withall humbly acquainting your
Lordshipps that whereas the said committee (as by the first preparation of the
said petition and declaration may appeare) did intend to pray your Lordshipps
that the transactions of the said affaire might bee by the Commissioners, some
of them to bee nominated by your Lordshipps, and others by the said com-
mittee, but to bee all approved by your Lordshipps, the said committee doe
now pray, that, instead of all the said Commissioners, Dr Petty alone may bee
authorized and approved of by your Lordshipps, to act as well in behalfe of
your Lordshipps as the adventurers, as a person best able to give the business
a dispatch; which wee the rather desire, for that such of our number as have
been most unsatisfyed with the petition and declaration are yett most abun-
dantly satisfyed with and first moved the choice of the said Dr Petty, as the
sole trustee or commissioner therein, uppon whose ability and integrity as
your Lordshipps have deservedly placed great remarks of your respects, both
in your generall and speciall employments of him, soe wee cannot but, uppon
our owne exsperience of his worth and accomplishments, repose in him, under
your Lordshipps, the sole trust of the said adventurers settlement. And wee
doe further represent unto your Lordshipps, that least what the said committee
have soe prepared and herewith sent may possibly not bee soe absolutely ne-
cessary

cessary in all cases, as that all the said adventurers should bee bound to the strickness of the provisions thereof, wee doe humbly pray that where manifest injury or inconvenience shall appeare in them to the said Doctor, as Commissioner in the premisses, your Lordshipps will bee pleased in such cases to empower the said Dr Petty to proceed to the settlement of the adventurers therein concerned, by such other convenient wayes and meanes as may most indifferently answer the former rules and certificates, and the private agreements of such adventurers among themselves.

Having thus recommended our desires, wee doe humbly pray your Lordshipps countenance and furtherance therein, which wee have an humble boldness to thinke will give the adventurers settlement a speedy and effectual advancement. And wee shall with all humbleness acknowledge your Lordshipps patronage and constant good affection to the said adventurers satisfaction, and profess ourselves, as bound by your Lordshipps goodness,

Your Lordshipps most humble and most obliged servants,

THE COMMITTEE OF ADVENTURERS.

Grocers Hall,
London, 17 Sept., 1658.

Jo. MOSYER.	Tho. GOWER.
Jo. HOLLAND.	Tho. EYRES.
Jo. WOOD.	GEO. CLERKE.
MA. THOMPSON.	GEO. CLERKE.
CHA. LLOYD.	Jo. GREENESMITH.
JA. EDWARDS.	HU. RATCLIFF.
NAT. MICKLETHWAIT.	

WILL. HICCOCKS.

To his Excellency the Lord Deputy of Ireland, and their Lordshipps of the Councill there, Dublyn.

The party opposite to these proceedings protest against what had been done, as illegall, gett councellours at law to state a case and draw up an oppinion, which they send into Ireland with the following letter.

Vpon considerations of the severall Acts of Parliament and ordinances relating to the adventurers and souldiers of Ireland, and the disposeing of the
 IRISH ARCH. SOC.

forfeited lands thereof, as allsoe the printed proposalls to the adventurers, wee are of opinion—

That the rebels are sufficiently declared to bee subdued and attainted, as farr as such declaration and attainer was necessary to warrant the generall proceedings, all pretended defects whatsoever being supplyed in the subsequent Act of Confirmation, Sept. 1653, generally called the Act of Satisfaction; and all the defects of attainer whatsoever being supplyed by the relation which that Act of Attainer hath in law unto the possessions which the rebels had in the yeare 1641, or at any time after, though the Act of Attainer it selfe was not passed untill 1656.

That the committee of claimes, otherwise called the committee of lottery, sitting at Grocers Hall, viz^t, Methuselah Turner, &c., have as full power over the moyety of the ten countyes and barronyes therein contained, which falls to the adventurers share, and in case of deficiency, then over the county of Lowth, excepting Atherdee, to distribute and sett forth out of the same to each adventurer his proportion, as the Commissioners of Parliament had power to doe in the other moiety of the ten countyes allotted to the souldiery, though those two clauses bee of different penning.

That upon an abstract of the grosse survey returned, and division soe made betweene the adventurers and souldiers as afforesaid, the committee of claimes did well and legally proceed to allott unto each andventurer his proportion in a certaine province, county, and barony, and give them their certificate thereoff, which being carried to Dublyn and registered according to the Act of Satisfaction, though the lands themselves be not registered by particular denominations, yet that being done, and the subdivision of the committee of adventurers following thereupon, there is sufficient to give that adventurer an actuall seisin of the lands soe allotted, and he is thereby in actuall seisin thereof; and an order of the Councill of Ireland to give possession was noe way necessary in law, though it were an act of good caution and discretion in them that did.

That upon the comparing of the Act of Confirmation in 1656, cap. 10 and 23, with the Act of Satisfaction in 1653, to which it doeth expressly relate, and the ordinance of August, 1654, which exspired in June, 1655, the allottments made by the comittee of adventurers, and all the proceedings thereupon had, are likewise declared and adjudged to be good, firme, and effectuall to all intents and purposes whatsoever, and are thereby for ever ratifyed and confirmed.

That

That the souldiery are not entituled unto any surplusage upon the adventurers moyety unless such surplusage doe appeare on the retурne of the gross survey, nor is there any power to make a generall resurvey of the adventurers moyety to find out a surplusage, but there is only power to resurvey each particular adventurers part, to see whether he exceeds his private proportion at any time before 1659, and when that particular survey is made the adventurer who is found to exceed hath power allsoe to purchase and redeeme the same; in the meane time the adventurer hath a possession which he may defend by law, and bring his *ejectione firma*. The power of deciding controversyes betweene the adventurers and the State is left and remaines solely in the determination of the law.

Thatt all leases of lands and custodiums in the severall allotments are to be reprized to the adventurers out of the county of Kildare, as far as those allotments are charged with such leases and custodiums, as well as rents or other dutyes particularly mentioned in the ordinance of June, 1654.

That where the committee of adventurers, by the ordinance of August, 1654, have made particular allotments and ascertained subdivisions, the committee of claimes cannot make any alterations of such adventurers parts, who have sufficient lands soe as afforesaid allotted unto them; in all things else the committee of claimes may proceed as formerly, their power being by Act of Parliament, and not taken away by any subsequent Act of Parliament; and therefore they may still, at this day, proceed to supply deficient adventurers out of the surplusage barronyes of their moyety of the ten countyes, and if that be short out of the county of Lowth, out of the barony of Atherdee, according to the Act of September, 1653.

Lastly, wee conceive the printed proposalls to bee dangerouse and destructive to the adventurers if assented, and that such assent will involve them in endless suits and troubles; and wee conceive the deficient adventurers have a more safe and legall way to bee provided for then by any exspedients tendered in the proposalls.

OLAN. BRIDGMAN.
JEO. PALMER.
HEN. FFINCH.

26th Oct. 1658.

Whereupon the Councill send me the following letter:

2 K 2

SIR,

SIR,—His Excellency the Lord Lieutenant and their Lordshipps of the Councill having perused your letter of the 9th of November, instant, as allsoe another from some of the adventurers, dated the second of this moneth, and a paper enclosed, being the opinion of some learned in the law, declaring their sence concerning the Act for satisfying the said adventurers, together with the said adventurers dissent there against the late printed declaration and petition, as being reputed to bee dangerouse to their interest in this nation; their Lordshipps have commanded me to acquaint you therewith, and that they cannot but observe some difference amongst the adventurers, which they apprehend tends not to the setling their interest, or the much desired plantation in this nation, and are sorry to find their good intentions soe mistaken, your practicall knowledge in that business in all probability giving hopes of doeing them and the publicke good service, which by this opposition is rendered fruitless. And allbeit jealousies and misapprehensions are too common in bussiness of this nature, and may tend to your discouragement, their Lordshipps would have you, nevertheless, to leave noe good meanes unattempted for composing what may bee amiss, and to use your best endeavoures in bringing soe desireable a worke to a peacefull and happy conclusion. And in case this nation, and the adventurers and persons concerned in this affaire, shall not be soe happy as at present to see this great affaire settled by a full and free consent and agreement amongst themselves, his Excellency and their Lordshipps will not be wanting, upon application made hereafter to them by persons concerned, to continue their reall intentions and endeavoures to settle such persons whose complaints shall come before them, in their just rights, according to law; which is all I have in command at present, and remaine

Your humble servant,

Tho. HERBERT.

Council Chamber,
Dublyn, 17th of November, 1658.

The party fancying the proceedings, goe likewise to councellours at law, and procure the following opinions of Serjeant Archer, M^r Hide, M^r Allen, and M^r Mosyer, opposing that of Palmer, Bridgman, and Ffinch, as allsoe asserting the justice and legallity of the petition and declaration, viz^t:

The committee of claimes are limited,

By their order of the Councill of State, to charge uppon the province of Munster

Munster noe more then one hundred and ten thousand pounds; but they charge or draw lotts for a greater summe.

Quere,—Whether the lotts drawne after the said 110,000^l was charged bee not voyd?

I am of opinion that they be voyd (folio 99), by reason of the charge (and noe more); but in case of defect of barronyes, supply may be made agreeing to the rule in the Act of Satisfaction, folio 70.

One of the commissioners of clai mes hath bought adventurers interests, or hath taken leases of the same after he was commissionated.

Quere,—Whether, the said purchases being voyd, the lands doe not fall to the State?

I thinke that, the purchase being voyd, the land is the States, and may be disposed to any other.

An adventurer is employed in clearing clai mes, drawing lotts, and subdividing lands, or either of them.

Quere,—Whether any but the Commissioners of Parliament, or such as stand in their steads, can draw lotts, subdivide, and sett out lands for such adventurers satisfaction?

They can not; for as to these concerned persons, the Commissioners of Parliament are only authorized.

Whether the said committee could assigne the place of an adventurers satisfaction, upon any pretence whatsoever, without drawing lotts,—1st, for province; 2nd, for county; 3rd, for barrony?

The rule prescribed being to proceed by lott, if the committee proceed otherwise, its irregular and void (folio 70); and I take it the lott must be drawne *gradatim* for province, then for county, and att last for barrony, as is prescribed.

After the committee of clai mes had drawne lotts for province and county, by vertue of the order of the first of June,—

Quere,—Whether they could draw lotts upon such an abstract, which was authentically certifified not to be according to law; and whether all proceedings built upon the said illegall abstract doe not fall, as, namely, the division be-

tweene

tweene the adventurers and souldiers, unless otherwise confirmed, the allotting for barronyes, the judgement of defective barronyes, and the proceedings of the committee of adventurers?

This abstract I take to be voyd, as a foundation for any future proceedings, it is soe full of gross errors; for example, the barony of one land returned for 16430 acres, but what forfeited and what not is uncertaine, and in trueth there is not one acre of forfeited lands there.

Whether dividing signifie differently from the words setting out, distributing, or allotting; that is to say, althoough the comittee of claiimes had power to subdivide the fourty-two barronyes among the adventurers, according to the proportion due to every of them, whether they have power after such subdivision to assigne and sett out by determined meets and bounds, by name, membershipp, scituatioun, quality, and quantity, what lands should satisfye each particular adventurers debt?

I thinke the subdivideing which the committee att Grocers Hall is to performe is not the allotting intended within the severall Acts, especially the Act of Satisfaction, which, after the certificate from Grocers Hall, appoints both souldier and adventurer to goe with his certificate into Ireland, and there procure before the Commissioners of Parliament to the distribution and setting forth and registering their lotts, and then they bee in seisin and possession.

Whether the Commissioners of Parliament had not power clearely or more probably then any others?

That appeares by the Act of Satisfaction expressly to bee in the Commissioners of Parliament in Ireland, in pursuance of the certificate from Grocers Hall.

Whether the committee of claiimes overdrawing of provinces and countyes, and drawing upon particular barronyes, without first drawing lotts for province and county, as alsoe proceeding to draw for barronyes without a legall abstract of the States surveyes, and thereby causing much danger, to particular persons interest, and confusion to the whole affaire, be not punishable by law, vizt, by ffine or therwise?

If

If it bee willfull, such breach of trust may be punished by information ;
but if it be only error of judgement, its otherwise.

A, B, and C, are, by an order of the Councill of State of the 1st of June, 1653, appointed a committee for certaine ends and purposes (*proue*) ; the Parliament of the 26th of September following confirmes that order ; the Councill of State is dissolved the 16th of December, the Protectorshipp and a new Councill succeeding under a new forme of government :

Quere.—Whether the order of the Councill of State, although confirmed as afforesaid, bee determined ?

I thinke, the order of the Councill of State being in it selfe absolute and unlimited, and being confirmed by Act of Parliament, this remaines, although the Councill that made it bee dissolved.

Whether the committee of adventurers had any power over any other then defective barronyes, by vertue of the ordinance of the 1th of August, 1654 ?

They had noe power but in case of such differences as in are expressed upon the defects of the barronyes where the lotts fall.

Whether they could act before they certainly knew which barronyes were defective ?

Now the difference must first be made to appear.

Their ordinance being dated after the Act of Satisfaction, and after the commission and instructions to Cha. Fleetwood, &c., whereby the lands sett out unto each man are to be distinguished by their quality, quantity, name, scituacion, &c., whether any rule or method not answering these ends, which the said committee can contrive, is allowable ?

The committee of adventurers have a latitude to compose differences betweene adventurers ; but for ascertaining where they undertake itt, they ought to follow the methods prescribed to others in like cases, but to be sure they must leave the subdivision with a convenient certainty.

Whether the registering of the certificat of particular allottment be not necessary to seisin and possession, and whether the registering the certificat of the committee of claimes be necessary ?

This

This registering is expressly required by the Act of Satisfaction, both for the certificat and allotment, and shall well expound the generall clauses in the Act 17 of Caroli, and other subsequent Acts, althoough it bee but an affirmative clause.

The adventurers, after they had lotted for province, county, and barrony, and obtained certificate thereoff, send artists into Ireland to survey and admea-
sure. These take commission from one Surveyor-Generall, are sworne by him, but paid by the adventurers, and that according to a higher rate then the law directs. This surveyor offers his survey to the Surveyor-Generall, who refuseth it, but offereth noe duplicate thereoff to the Register. The Surveyor-Generall doth not peruse this survey, but, by order of his superiours, appoints another survey to bee made by other hands, wherein he followes the rules prescribed by the law, and at length receives, examines, and allowes the latter survey.

Quere,—Whether the former survey made by the adventurers be good; or whether the latter doe not over rule it?

The former is void, and the latter is good.

An adventurer, instead of 100 acres, taketh 120 by his owne said survey; not by any survey, either gross or exact, of the State.

Quere,—Whether he may purchase the overplus 20 acres at the rates and on the terms mentioned in the law, or whether the next adventurer bee to sitt downe thereupon?

He is an intruder, and not entituled to the indulgence for purchasing, as in cases where there was a mistake only upon the estimate in a grosse survey.

In this case he is not well entituled to the hundred, but much less to the purchasing the overplus twenty acres; for it was his owne survey, not the publique officers, and his owne survey is disallowed, and therefore his possession to his hundred acres is questionable.

Whether the Act of Confirmation, 1656, doth att all comprehend the adventurers?

Itt doth not, neither by the purport of itt, if it be well weighed, there being a sort of persons besides adventurers and souldiers to satisfie the

the word (others) used in the Act. But the proviso that this Act shall not extend to the adventurers makes it cleer.

If it doe, whether it indulgeth all the irregularityes afore mentioned ?

Itt doth not.

I have perused the printed proposalls, and find nothing in them but such as may conduce to a good settlement.

J. ARCHER.

23 Dec., 1658.

Conformable whereunto are the opinions of M^r Hide, M^r Allen, and M^r Mosyer.

When these things were at this pass, the Dr received the copy of a strange libell issued against him at Dublyn, with news of great endeavour there to undoe him; and soone afterwards the following letter from the Councill, commanding his speedy repaire into Ireland; with the mention whereoff wee shall conclude this narrative, and begin that of the Doctors great tribulations, shortly following.

CHAPTER XVII.

THE Doctors adversaryes in Ireland, having tryed a thousand stratagems to undoe him, sometimes by raising up one, sometimes another evill report; some times asserting one kind of crime, and sometimes another; sometimes accusing him before the Councill, sometimes causing him to be convened before the Generall and chief officers; then setting up a court in the green chamber at Dublyn, under the pretence of decideing controversyes betweene souldier and souldier; sometimes designing to trouble him at law, wherein they knew he had noe exsperience or dexterity to defend himselfe. And these things failing, they designed, as a pretended favour, to give him the command of a troope of horse, beleiving that, being noe souldier, he should soon fall into some miscarriage, for which they would disgrace or punish him at a court marshall of their owne packing; with many other secret stratagems which never came to

light, there being few moneths in the yeare wherein he did not hear, in generall or particular, of some such machination.

But God laughing all these attempts to scorne, and the Doctors said adversaryes finding that, whilst he was present to cleer and defend himselfe, could doe him noe harme, about November, 1658, the Dr^r having then been six moneths absent in England, and great endeavours alsoe then used by some for a change of governement uppon the death of Oliver Protector, it was thought convenient to begin the ruine of that family with pulling out the smaller pinns of that frame wee were in, in order whereunto an *Onessimus* of the Doctors was dealt with to frame the following libell:

Right Honourable:

Since my arrivall, in pursuance to your trust imposed, I have, not without a great exspence, been industriouse in acquiring the most impartiall intelligence of the party you desired an accompt and character, which, by variouse appearances unto persons in severall capacityes, I have attained, and, as I suppose, even into the intrinsics of his former transactions, whereof I gave you a full account per a friend, with the name and quality of the persons averring every particular, and their willingness and agility to justifie the same upon legall inquisitt, but because I have noe answer thereof I thought requisite to repeale some principle presumptions on your freedome, upon my single authority, by reason of the unsafeness of nominating of persons per post.

Now, because mens principles and habitts are best knowne by their acts, as formerly at length, I shall now in short present you with a narration of his stepps and progress of his undertaking in the souldiers settlement, viz^t, he had then the opportunity of the Lord Deputy and Ladyes eare, as well as his physician as complying with the then predominant party, and he made the bulke of the Major-Generall a party and share in his designe, whose interest the army not apprehending, were willing to venture theirs on the same bottome, especially being invited by the pretence of a new and unheard of survey, and of a certainty and infallibility therein, in manner following, a new chart for the surveying instrument was presented, as an invention of great concernement, which really differed from the old one as 4^d from a groat.

Then about six artists were contracted with to teach other men of meane and low

low fortune the survey; and to colour their unfitness, he promised that noe ffield man should protract his worke, and he that protracted should bee paid by salary, to the end he should have noe interest to admitt of any bad worke, and all this under the eye of one of these six artists, whome he stiled conductors. Under these colours he marched on to treat with the seraphick gent., Dr Worsley, on the States behalfe, and a committee of the army, whereof the said Major-Generall was chief, on the behalfe of the army, with whome, uppon noe less impartiall then judicisoue debate, he treated; and the said Major-Generall, being sharer as above, became his security. The heads of the contract were, that he should admeasure, in one year, every denomination of land allotted to the army into parcells of fourty acres, and to make conspicuouse bounds thereof; and that he should subdivide the same into every souldiers proportion, bee it never soe small; and that, for his such admeasurement, he was to receive from the State 3^l per 1000 acres, and for such division from the army 4^l 3^s 4^d per 1000. Now, no sooner was this contract fully finished, but the said person agreed with the old surveyors for part of the worke, against whome and whose manner of working he had declaimed as fallaciouse and dangerouse, and had used as the greatest ground of introduceing his new one. The rest of his worke was intrusted to the management of his raw artists, both as to field worke and protraction, without the former pretended strickness of care and conduct. Thus was all his admeasurment made, but not within fourty acres, nor within one year, as contracted for, except of the county of Tipperary, wherof he returned duplicates of the Lord of Straffords survey for his owne worke, yett was paid for them at the rates above said, which came to above 1500^l. It is further observable, that whereas, by one clause of his contract, he was not to bee paid for unprofitable land not exceeding 500 acres in a parcell, and the county of Kerrey generally such, the surveyors there were countenanced, if not instructed, to retурne mountaine twenty and fourty acres for one acre profitable, and was afterwards layd out by him acre for acre, that is, fourty such acres for fourty profitable; and consequently hee received his full rate, which was 2000^l gaine extraordinary, and loss to the army 10,000^l per annum, according to carefull computation, and this in short of his admeasurement. Concerning the subdivisions, after severall transactions, the said person was made one of the Commissioners, or rather the only Commissioner, for setting out the said lands unto the army, where by his admeasurement was established, himselfe being judge of the whole charge of

clerks and artists in subdividing every mans share in the house, being his owne worke as undertaker, was putt upon the States accompt, which amounted to above 2500^l; nor did his designes terminate there, but, being a Commissioner, amongst others, a contrivance was sett on foot for his further advantage, for neat books soe called, whereby was excepted from generall lott, uppon the account of incumbrances, market townes, post townes, libertyes, cityes, and other improved places, altho the same, notwithstanding their incumbrances, if any, were ten times better then common land; and after the generall satisfaction was made, such places, per relation, were brought to the Councill by him and his friends, as discoveryes, and debentures reserved for that purpose placed there without lott. Soe came he to the north liberties of Limricke and the post towne of Ballintoy in Ulster; and the now Surveyor-Generalls friends to the liberties of Tredagh, and the Deputy-Surveyor to the county towne of Caveine, and 100 examples; and to effect this purchase the better, because he protested against any interest in any debenture, he took advantage, I am informed, of a charitable act of his Excellency and Councill, granted unto Mr. Carey his relict, to lay out 300^l in debentures; and he, as her agent, under colour thereof, disbursed vast summes of his owne, and placed them in such discoveryes. Many other his clandestine deceits, in his subdivision scarce medled with in the ffield, in stating his accompts, in his receiving his moneyes, in getting up his bonds, in the adventurers last survey, whereby vast summes of money are grasped in his hands illegally, and, in particular, a great share of the money received for the undertakers of the survey was paid to his clerks, and many of the undertakers left in great misery for want of due payment at this instant; but because I have given you a full account hereof in sheetes close written, and my time is short, I shall pass by many materialls, and leave to your further consideration these few observations.

1st. The Councill gave him liberty, after generall lott drawne, to buy 2500^l of debentures, which, besides his aforesaid underhand purchases, he bought of the army a remaining part of their debentures.

2dly. Hee hath given no accompt as yett what lands are excepted from the souldiers satisfaction by his said neat booke, nor of the odds and complements of lotts.

3dly. If former reservations will not serve, he aims at the management of the adventurers settlement, and, as he pretends, by the countenance of his Excellency

lency and the Councill, where, noe doubt, he will find discoveries of his owne concealement, as formerly, to satisfye the remaining or other his debentures.

4thly. The army in generall hath not fully discovered yett his legerde-maine, yett are they very jealouse of his land, consequently not his friends.

5thly. The summes extorted by the premisses will amount to above ten thousand pounds, according to carefull computation, in particulars, as in my former will appeare.

6thly. Nor hath his practise been thus with the State only, but with the artists allsoe by him employed, who, for fear of loss or fall by his greatness, have been forced to receive halfe of their wages in full satisfaction, more especially and such whose families wanted bread, as would make your heart relent were you sensible of it as I am. Is not this cruelty in the abstract, to deny the labourer his hire, to grind the face of the poor, to enter into his neigboures lands by removing their land marks? Hath not these and the like oppressions occasioned the former desolation of these lands and effusion of blood out of our owne bowells? Have they not now provoked Providence to take our Josuah from among us, which makes our land mourne.

7thly. Yett noe adress dare be ventured against him, having shouldered in as sharer with St. Thomas Herbert and Dr Gorge in their places of Secretary, which he undertooke for noe other end then aborting of complaints, persons having better admission then paper, as he hath said in his ostentation; that is to say, to use his words, he undertooke and consequently putt noe other value upon the place of clerke of the Councill then to keep doggs from his shinns.

8thly. Yett noe adress dare be ventured against him, being boulstred up with the presumption of his Excellencys highest favour, whereby hee is come to the pitch of arrogancy, having carried all things thus uncontroled, that hee thinks himselfe fitt to be a princes brother in law,—your Lordshipps may guess the meaning,—and hath used exspressions equivalent with Wolseyes *ego et rex meus*, and is soe confident of his owne strength that, though his Excellency carries the sword, yet he beares the buckler, supposing danger can not reach his Mr, but throug his side; and what, besides his owne apprehensions and common fame, induce me to beleive something extraordinary herein, that uppon accident, being in company at a mornings draught in a common ale house, his kinsman, and deputy in his absence, not without ostentation, produced into publicke

licke view his Excellencys privy signet, which seemed unsuitable to out reach a closet, much less to enter an ale house.

9thly. The premisses considered, viz^t, his subdivision, for which he was paid 4^{li} 3^d per 1000 acres, never perfected but in the house, and that at the States charge; his payment for Tipperary and Kerrey upon termes aforesaid; the scituacion of his owne lands, and that in his Excellencys name, without lott, soe often protested against; the oppression of surveyors under his charge; and, lastly, his notorious presumption and arrogancy, itt is noe marvell his Excellencys interest is soe weakened in the affections of his friends, when he gratifies his enemyes with their desired advantage in countenancing of this person; for be assured, though he be now defended, when ever the next Parliament shall sitt, there are persons both of honour and courage soe deeply concerned, maugre all supporters, are resolved to unravell his actions there, where undoubtedly he will receive his fatall stroake, which wise men foresee sadly to reflect; but, doubting I shall outrun my time I shall say no more of his mountebanke practises, having hinted almost all except his religion, which is rationally conjectured a tender of the oath of abjuration will discover.

Your honours most humble servants.

The cover was directed thus: ffor Nat: Davenport, Esqr, in London.

He will call for this att the Post Office.

Dublyn, 30th November.

Sir, I pray bee carefull of the delivery of this as formerly, and give me an account thereof by the next.

Yours, &c.

This libell was interrupted by one who made it a trade of opening letters, who thereupon seemed to have discovered something very necessary to bee communicated to the Lord Lieutenant, who was reflected upon for his favour to the Doctor. His Excellency, like a great justiciary to the publique, a person prudent and carefull of his owne honour, and withall willing to give the Dr an occasion to elude his adversaryes by a formall vindication, called the officers together, who were att that time come to towne in unusuall numbers, told them that although he had by long exsperience found the Dr very faithfull in what he professed, and very serviceable in his owne and the publique affaires,

affaires, yett he did not thinke those vertues of his a sufficient protection for such crimes as were charged in a paper he had received, and therefore desired, nay urged them to shew their skill and industry in finding out the truth of what was there suggested.

The officers gave his Excellency thanks, erect a committee for the purpose, propounded the raising of 500^l to buy tooles wherewith to catch the wolfe, but seeme to decline the libell, and proceed uppon another more laudable worke, of seeing only what was become of the armes security, without respect to or seeming suspicion of any particular person, nay not of Dr Petty himselfe; for, being exspressly and authoritatively asked, the leader of them denied any such thing; and yett the news at London was, that the Lord Deputy, having by some late discoveryes of Dr Pettys miscarriages beene convinced of them, had freely delivered him up to justice.

That Sir Anthony Morgan, the Dr^s chief friend, uppon the like conviction, was most forward in the prosecution.

That some of Sir Anthonyes dependants were waiting for the employment wherein the said Dr had miscarried; that the Dr^s lands were sequestred, his study and papers sealed up, &c., and, in fine, that the Doctor would never more bee seen in Ireland.

The news in Ireland was of the same nature, though not in the same degree, because men by their owne eyes could see falshood in many particulars of what was told in England; but what the news wanted as to horrour in Ireland, it had in extent, for there was noe man who did not talke thereof, nor any table nor taverne unprovided of a theame to discourse uppon for many days together; uppon all which the adventurers who wrought the letter of the 17th of September, before recited, and engaged for such a reward for the Dr^s service to them, as whereby hee might have gained neer 2000^l, grew exceeding cold and suspiciose; his tenants grew delatory and full of excuses as to the payment of their rent; himselfe was discouraged from improving his estate, and from accepting of such proposalls as tended to his honourable and happier settlement in the world. The aforementioned assembly of justiciary officers, after venting much spleene, and through their passions letting the world not only peepe into but pore and gaze uppon the common intention, I meane the less noble and wise of those officers, propounded the seizing of papers, hanging of padlocks, diving into intentions by fetching foule wast papers back from the dunghill, and seeking for

preparatory

preparatory draughts under the bottome of tarts, &c. Whilst some, more wise and moderate, withdrew from these actings, others were friendly and courageous, declared against this fury; others were crafty, not less maliciouse, laboured to sugar the poison; and whilst others of all sorts ran with the multitude, the debates at length centred in the following petition, viz' :

TO HIS EXCELLENCY THE LORD LIEUTENANT AND COUNCILL.

The humble Petition of the undernamed Persons, on the behalfe of themselves and all such as are concerned in the Satisfaction of the Arrears of the Army,

Humbly sheweth,

That your petitioners, by vertue of severall Acts of Parliament, ought to have their arrears satisfyed out of rebels lands in Ireland, att the severall rates in the said Acts mentioned, as by the said Acts more at large doth appear.

That your petitioners, in the year 1653, in exspectation and upon promise of speedy satisfaction of the same, did then voluntarily agree and desire that a retrenchment might bee made of their growing arreare, which was accordingly done.

That, nevertheless, to this day the said arrears remaine yett in part unsatisfyed; and the title to that satisfaction which has been given is not, as your petitioners conceive, sufficiently secured.

Now to the end your petitioners may the better understand their present conditions, and thereupon to take such course for their releife and security as their councill learned shall advice,

They humbly pray,

That there may bee appointed a committee for the army, to examine and audite the proceedings of the Commissioners for setting out lands to the army, and what lands came into the Commissioners dispose; how and to whom, upon what account, and by what rule, the same hath been disposed; what and how much lands lyeable to satisfaction of arrears remains yett not sett out or concealed, or as overplus in the adventurers security, or otherwise.

That the said committee prepare an authentique booke, whereby it certainly and plainly may appeare what particular lands have been sett out, to what particular persons, to the end not only his Highness may know how to put the

same

same in charge, whensoever in his wisedome he shall judge it just and convenient; but allsoe that certaine reference may be had thereto by any Act of Parliament which may confirme the same.

And in order thereunto, your petitioners further pray—

That all leidger booke, wast booke, pie books, and all duplicates, extracts, certificats, discoveryes, propositions, petitions, orders of the Councill, orders of the Commissioners for setting out lands, either preparatory, intentionall, *de bene esse*, or finall and conclusive, and all charts and mappes, surveyes, and all other booke and papers whatsoever which doe or have at any time belonged to the office of the Comissioners for setting out lands, be forthwith delivered and putt into the joint custody of the said committee and the said Comissioners for setting out lands, to be perused, examined, and audited for the ends aforesaid; and that the said comittee may have power to send for persons, papers, and records.

And because the Commonwealth is obliged to sett out lands in satisfaction of arreares, which can not bee done without charge to them; and because your petitioners have been sufficiently damnifyed by their forbearance, and by payment for the survey, and diverse other summes relating to the setting out lands; and because your petitioners were not the cause that a worke of this nature is now to doe; and lastly, because his Highness ministers can never putt the land in charge without doeing this, or something equivalent thereunto,

They pray that your Lordshipps would from time to time issue such money as shall be necessary for the effectuall carryeing on of the said worke.

And they shall pray.

HAB. WALLER.	CH. COOTE.
ANT. MORGAN.	HIE. SANKEY.
THO. LONG.	THO. COOT.
WILL. ARNOP.	THO. SADLER.
JO. NELSON.	PET. WALLIS.
ROB. ORMSBY.	RIC. LAWRENCE.
THEO. SANDFORD.	JOS. DEANE.
ROB ^T . THORNEHILL.	JA. HAND.
JAM. STOPFORD.	WILL. SHAW.

Upon which was given the following order, and the letter afore recited, chap. 16, dispatcht away for my comming over.

By the Lord Lieutenant and Councill.

The Lord Lieutenant and Councill, taking into consideration the humble petition of severall officers of the army and others, in behalfe of themselves and all such as are concerned in the satisfaction of the arreares of the army, the substance thereof being concerning their arreares and security, have, for the reasons therein mentioned, thought fitt and ordered, that Vincent Gookin, D^r William Petty, and Miles Symner, Esqrs. (Commissioners for setting out lands to the army), or any two of them, bee and are hereby authorized and required to peruse such bookees, surveyes, mappes, papers, and other writings and records in the custody of the said Commissioners, or of the Surveyor-Generall of lands, or others, as may any way relate to the matter particularly exsprest in the said petition; and further to proceed, either in order to the preparing such an authentique booke or bookees, or otherwise as may answer the ends in the said petition mentioned and desired. And that the petitioners may receive the better satisfaction and information in this bussiness, itt is likewise held fitt and ordered that any such persons, to the number of seaven, as the petitioners shall nominate, and shall bee approved of by the board, who, or any three or more of them, have hereby the liberty granted them, from time to time, and until further orders, to bee allwayes present with the said Commissioners as afforesaid, and as occasion serves to offer their advice, and otherwise to give such furtherance therein as may bee conceived materiall and necessary in reference to the premisses. And that the said Comissioners doe not proceed upon any part of the worke required by this order, but in the presence of three or more of the persons nominated and approved off as afforesaid; provided, nevertheless, that none of the said surveyes, mappes, bookees, or other papers as afforesaid, bee made subject to other view; and that no transcripts be had or taken for private use, or any alteration made in any of the said records. And lastly, the said Comissioners are to give an accompt unto this board of their proceedings herein. Dated att the Councell chamber in Dublyn, the 20th of December, 1658.

THO. HERBERT, *Clerk of the Councill.*

This order was not satisfactory to many, who said they would rather rott as prisoners in the Castle then to acquiesse in it, and that they would spend their

their whole estates in seeking justice elsewhere; whilst others, greater masters in this way of diabolisme, told them, that what was short in the order might be repaired in the persons to be entrusted in the execution of it; and that, if ends were not answered, and absolute freedome not allowed in their enquiries, that it would prove an excellent bridge to pass over the business to some other judicature, whereby they might better prevail; and that acquiescence in the present might better cover the maine designe, and serve an hankerchief to hide the instrument which was to draw out the Doctors teeth, and possibly steale the Lord Lieutenants assistance into their design.

The advice being approved of, they choose seaven officers for managing the business with admirable adresse, vizt, Sir Anthony Morgan, as the fittest toole to worke upon the Lord Deputy, a person whose intimacy with the Doctor might possibly make some at least believe that the designe was not pure malice.

Sir Hierome Sankey, who, having been lately knighted, they knew longed for some adventure to goe uppon.

Captaine Shaw, his brother-in-law, as fitt and able to attend the Knight uppon adventures, as hath been allwayes practised, even in the most ancient times.

Collonell Lawrence they knew to be angry with the Doctor for opposing his mistake, in thinking he might have 20,000^l given him for sweetmeates after a full meale.

Captain Warren, for his zeale and industry in the bussiness of his accomodation in the barrony of Balleboy, and that the designe might not be thought the Anabaptists.

Captain Deane, for his skill in accompts, with a dash of resentment in the case of Captain Sheeres sullenness; and—

Lieut.-Collonell Fflower, for the flower of them all, one whome they knew would sticke at nothing to gett up some obligations out of the Doctors hands, would burne him and his estate, soe as he might have two pence a pecke for their ashes; a man of a well-leathered conscience, as well as stomach; one whome wee are affraid to begin a character of, least wee should never make an end of speaking evill of him.

Some few days afterwards there happened some sharpe words betweene Lieut.-Collonell Warren and the Doctor, which got him allsoe the preferment of being of the same comittee. Perhaps wee have spoken of these gentlemen in a way too unlike the rest of this discourse, which was endeavoured to

bee wholly seriose; but having said nothing but what the world knowes, and might as easily been guessed, even without these intimations, nor having charged his adversaryes therein with noe practice not usuall uppon all like occasions, wee hope nothing will be taken amiss.

The committee being nominated, the seaven purging pills are guilded by the Councill's approbation, exspressed in the following order.

Blank.

Whilst these things are doeing in Ireland, the Doctor rides night and day from London, in the latter end of December, and through many hazards comes to Dublyn, God having kept him safe in the greatest storme that ever was knowne, as he thankfully construed it, to preserve him for his vindication, soe as he might dye with a fame suitable to his deservings, for he profest never to desire greater or better, att the hands of the State and army in Ireland.

Being come to Dublyn, and having informed himselfe of past transactions, hee desired that there might bee added to the above named committee of seaven, chosen by the pretended representers of the army, the Receiver-Gene^rall, Auditors-Generall, and one M^r Jeoffryes, a person well reputed for his integrity and skill in accompts, that, having given a satisfactory accompt unto these able and proper ministers of the State, he might all under one bee discharged both from the State and armyes further question or suspicion. This was granted by the Councill, as appears by their following order, viz^t:

By the Lord Lieutenant and Council.

Ordered,

That D^r William Petty, and the rest of the Commissioners for setting out lands to the army, doe forthwith proceed to make a booke containing an accompt of all the lands by them sett forth. And itt is further ordered, that the Auditors and Receiver-Generall, and M^r Jeoffreys, bee added to the seaven persons formerly appointed by order of this board, bearing date the 20th of December last, making in all eleven, whereoff three ([the] auditors, or one of them to be always one) are to be a committee for the ends in the said order exspressed. Dublyn, the 24th of January, 1658.

THO. HERBERT, *Clerk of the Council.*

The committee being mett, some of the latter referrees, and some other officers concerned

concerned in the lands equally with any others, uppon reading the Councill order above mentioned, about making a perfect booke of all distributions, did innocently and ignorantly fall in good earnest into debates and contrivances concerning such a booke indeed, according to the Councill order, and the pretended end of the committee. Wheras Fflower satt swelling and looking uppon Warren, as for help, thinking he should this way never bee released of the one hundred pounds *per annum* he owed the Dr; insomuch as, being convinced of the satisfaction he had and was like to give the committee, hee, att the rising thereof, fell into the following pangs with George Bate, the clerke who then attended itt.

I doe hereby certifie that in the moneth of Ffbruary, 1658 (in which moneth the committee of officers for inspecting the transaction of satisfyeing the army did often meet to that purpose), I, meeting Lieut.-Collonell Fflower one day after their rising, he being a member of that comittee, and that day present, asked him why he appeared more passionate against Dr Petty then any one officer I observed that day? To which he, the said Lieutenant-Collonell, answered, that he did verily beleive that the said Dr would cleare himselfe of what was objected against him by the officers, and that, if the said Dr would deliver him up his bond, hee would not speake nor meddle in the bussinesse any further; but that he, the said Lieut.-Collonell, was confident that when the Doctor had cleared himselfe from the accusations which then were upon him, he, the said Dr, would plague him, the said Lieut.-Collonell, sufficiently. And further, that the said Lieut.-Collonell Fflower often afterwards meeting with mee, and discoursing of the same bussiness, uttered words to the same purpose. Wittness my hand, this 4th of June, 1659.

GEO. BATE.

Collonell Lawrence, hearing how well scruples were cleared, did not thinke it worth while to come to the comittee, nor, as was conceived, to sitt in company with such persons, who interpreted orders of that nature according to the letter, and not according to the inward and mysticall meaning. Within three or four dayes the news was up and downe the towne, that the comittee had discovered noe enormity by Dr Petty; whereupon it was by the malignant party concluded that the comittee was sett up by Dr Petty himselfe, on purpose to justifie him, and that it consisted of persons which might easily be wrought to

to that effect; and that they beleived all Fflowers late rayling was but in shew, the rather because they knew him fitt for such works of double dealing.

Notwithstanding all popular conjectures, and the guesses of the busy people, the sober and moderate part of the committee conclude in the following petition.

TO HIS EXCELLENCY THE LORD LIEUTENANT AND COUNCILL.

The humble Petition of the Persons named by the Officers of the Army, and approved by your Lordshippes, to prosecute the Ends of their Petition, and the Order of this Board thereupon, dated the 20th of December last,

Humbly sheweth,

That your petitioners having oftentimes mett with the Commissioners for setting out lands, &c., and considered in what manner the booke called by them the Distribution Booke, should bee made up, and finding that there will be parchment and other materials necessary, with which the Commissioners for setting out lands are not furnished; and allsoe considering the great hast required for the perfecting of the said booke, that some use may bee made thereoff this present session of Parliament, and that it is not possible that it can bee made up in any reasonable time, without more helpe then the said Commissioners can give:

They therefore pray

That your Lordshipps would give order that such necessaryes, and allsoe such a number of clerkes, may from time to time be provided, as shall be necessary for carrying on the said worke; and that your Lordshipps would give speedy order herein, in regard that till this bee done the whole worke is att a stand.

And your petitioners shall pray.

ANT. MORGAN.

JOS. DEANE.

WILL. SHAW.

The Councill, though they wondered that soe necessary a worke should sticke at the charge of pen and inke to write it, yett they did by verball order appoint the said committee to attend them about it, who, to be short, never did, nor was there any thing more done in pursuance of the Councill's above order
of

of the 20th of December ever afterwards, nor did the committee ever care for meeting, which is the argument for what hath been already hinted, that the booke was but a pretence.

Nevertheless, since the wiser head laboures to make vertue of necessityes, tis believed that the designe of some afterwards was really to have such a booke, whereby they might gett the Parliament blindfold to confirme their owne and friends irregular possessions, and yett clapp in a plausible proviso that the Act should not extend to confirme the distributions made to any Commissioner imployed in that way, with such other wards and springs to be in the locke as might only keep the Dr^r out of establishment.

Which designe, when they saw the Dr^r chosen in two places, viz^t, in England for one, to be of the then Parliament, fayled, for fear he might sitt when the members of Ireland were kept out, that other legg of the booke became allsoe lame, and the whole body of the designe tumbled to the ground as above said.

Notwithstanding all this, the Doctor, not trusting to what reason and justice might doe against the cry of many in a Parliament like to be very factiousse, endeavoured, before he went thither, or proceeded much further in the accompt of distributions, to make an even reckoning with the State and army for what ever concerned himselfe, viz^t, nakedly to sett before them what and how much land he held, and uppon what termes, and withall to demand from them what he yett conceived to bee his due.

In order whereunto hee applied himselfe to those persons who, by the Councills of the 6th of Ffbruary, recited in the 14th chapter hereof, were particularly appointed to answer his desires, by the following addresse:

TO VINCENT GOOKIN, SURVEYOR-GENERALL, AND MAJOR MILES SYMNER,
ESQRS., COMMISSIONERS FOR SETTING FORTH LANDS TO THE ARMY.

The humble Adress and Demand of Dr William Petty.

Whereas his Highness Councill for the affaires of Ireland, and the Lord Deputy and Council, have, by their severall orders remaining with you, given me leave to be satisfyed 11059^l, or neer thereabouts, in debts due for arreares incurred for sooldiers service in Ireland since June, 1649, part thereof being for the use of Mrs. Carey and her children; and whereas their said Lordshipps intended the said lycence as a meanes to repaire the loss of the opportunityes to bestow

bestow my money att advantagiouse seasons, which my employment as a Commissioner with you deprived me of, as allsoe to reward my paines in and about the said service; I humbly offer to your considerations, that, by all the satisfactions I have hitherto received, neither of the said ends are answered, but that my selfe have lost above three thousand pounds, and the State have gained very neer as much, by the very way and manner of making the said satisfaction unto mee.

Wherfore, in order att least to repaire my said loss of opportunityes, I humbly demand that the remainder of the said 11059^l 18^s, being 3138^l 13^s 3^d of *quotas*, may bee satisfyed forthwith, with soe much lands as at the usuall rates will amount unto 6834^l, since the same may bee done without prejudice to the army, and with less difficulty then by allowing full satisfaction, as hath been done to many, uppon which accompt I might claime 2191^l towards the 3696^l, which I demand above my reall debt, the reason of which unusuall and seemingly extravagant demand I humbly propose as followeth:

1st. The said debt of 11059^l, for which I have leave to bee satisfyed, cost me in ready money 4625^l, which said summe would have purchased a neat satisfyeable debt of 14756^l, which exceeds my lycense by the above mentioned summe of 3696^l.

2dly. Allthoough I had lycense to bee satisfyed for the said 11059^l, yett have hitherto been satisfyed for my selfe and Mrs. Carey noe more then 7918^l 4^s, soe as there yett remaineth the above mentioned summe of 3138^l 13^s 3^d.

3dly. I have not received in ready 350^l in rent out of all the lands yett sett out unto mee, nor is there due unto me 500^l arreare, both which summes doe not afford mee above eight *per centum* interest for the said summe of 4625^l, which I have really disbursed in purchase of the said lands.

4thly. The State hath gained seaven hundred pounds in cleare money by the way and manner of my satisfaction, besides the perpetuall quitt rents of three thousand acres of lands, and have hitherto saved what I might reasonably exspect for all the paines, care, and contrivance, losses, calumnies, and dangers, by mee borne and incurred, by reason of this service, since the 20th of May, 1656; the totall of which three particulars I leave to your owne estimation.

5thly. That the advantage of enhaunced rates above depressed rates, not designed and contrived, but only observed and computed by me to the States lawfull and great advantages, will abundantly justifie the above mentioned equitable reparation I desire uppon severall accompts.

All

All which reasons and allegations I desire may bee examined with all severity, as allsoe what ever else relating to the time, manner, and other circumstances of my said former satisfactions may have been the occasion of any jealousie or reproach uppon your owne or my proceedings therein. Dated att Dublyn, the seaventeenth day of February, 1658.

WILLIAM PETTY.

These recommend the matter backe to the Councill by another adresa of their owne, dated 18th ditto, in these words:

To His Excellency the Lord Lieutenant and Councill.

May it please your Lordships,

Doctor William Petty hath exhibited unto us the annexed papers, wherein he desires as much lands in satisfaction of 3138^{ll} 13^s 3^d, as, according to the usuall rates, will satisfye a debt of 6834^{ll}. The causes of the said demand wee find, upon consideration had of the said paper, to bee such as are more properly cognizable before your Lordshipps then us, especially considering his relation to us as a Commissioner for setting out lands, and therefore doe presume humbly to present the said paper herewith to your Lordshipps consideration.

Your Lordshipps most obedient Servants,

VIN. GOOKIN.

Dated the 18th day of

MILES SYMNER.

Ffbruary, 1658.

Where upon the Councill would have referred the matter to a few indifferent persons, but the Doctor standing by, as clerke of the Councill, desired it might be referred to more in number, and even to those seaven officers who seemed to have soe much the care of the armes concernements; whereupon the Councill grant the following order:

By the Lord Lieutenant and Councill :

Ordered,

That Sir Anthony Morgan and Sir Hierome Sankey, Knights; Collonell Lawrence, Lieut.-Collonell Fflower, Captain Joseph Deane, Captain Edward Warren, and Captain Shaw, being the persons lately nominated by the army, and approved of this board, for auditing the proceedings of the Commissioners for

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setting out lands to the army; the Surveyor and Auditor-General, Mr. Jeoffreyes, and such as are or have been Commissioners for setting out lands to the army, or any three or more of them, doe consider of the demand and adresa of Dr William Petty aforementioned, for satisfaction in lands for the summe of 3138^l 12^s 3^d, to bee sett out unto him, as, according to the severall rates, will satisfye a debt of 6834^l; as allsoe of the severall reasons by him given for the same; as allsoe of what hath or shall bee by him alledged in reference to the same; and to make a report thereof unto this board, for further consideration. Dublyn, 21th of Ffbruary, 1658.

THO. HERBERT, *Clerke of the Councile.*

Moreover, the Dr apprehending that the worke would be to strangers troublesome and obscure, prepared the following paper, as a scheme of all matters to bee examined by the said comittee, without vouching the same as his owne assertion, it being ridiculous and obligeing of the question for him to firme under his owne hand what was *ex profeso* to bee examined by those to whome he presented it.

The comittee call him to expound the said paper, which he did, untill they were soe well possessed of itt as to referr the calculative part thereof to be further examined by M^r Jeoffreyes, whom they allsoe impowered to draw up a report. M^r Jeoffreyes sends for the Dr, receives satisfaction in some particulars which seemed to him to bee twice charged, and thereupon draws up a report, and presents it to the comittee.

Now whereas any three of the thirteene above named were a comittee, seaven were present (the rest being most of them out of towne), viz^t, M^r Roberts, M^r Gookin, M^r King, and M^r Jeoffreyes; and of the seaven officers, Collonell Laurence, Lieut.-Collonell Fflower, and Captain Warren. The four first, making some small amendments, and perusing some vouchers, whereby some particulars of the report were grounded, signe the report; but Collonell Laurence (as the mouth of the rest) said that although he had nothing at present to say against it, yett forasmuch as the end thereoff was recommendatory (for that was his very word) for the Dr having more land, the which was against the intention of the army, he would not signe itt; then calling the rest aside, and whispering a while with them, they allsoe refused itt. The report follows.

To

To his Excellency the Lord Lieutenant and Councill.

May it please your Lordshipps,

In obedience to your Lordshipps order of the 21 of Ffbruary last, made uppon the addresse and demand of Dr William Petty to the Commissioners for setting forth lands to the army, and by them presented to your Lordshipps consideration, wee have heard and considered the allegations and reasons where-upon the said Doctor demandeth 6834^l worth of land to bee sett out unto him, in satisfaction of 3138^l 12^s 3^d only, and what other allegations the Dr was pleased to offer to us, and doe find as followeth, viz^t:

1st. That, by severall orders of your Lordshipps, the said Doctor hath been lycensed to receive full satisfaction, within the security of the army, for 5581^l 14^s 3^d; and, in behalfe of himselfe and M^r Carey, five-seaventh parts of one thousand pounds, and the proceed of two thousand pounds layd out in debentures, which amounts to 5476^l 3^s 9^d; in all, the summe of 11059^l 18^s.

2dly. Itt doth not appearre unto us that the said Doctor and M^r Carey have as yett received satisfaction for any more then 7918^l 4^s 10^d, in pursuance of the said orders; so as there remaines unsatisfyed 3139^l 13^s 2^d.

3dly. Itt appeares very probable unto us, that the said summe of 7918^l 4^s 10^d already satisfyed, and the 3139^l 13^s 2^d which remaines unsatisfyed, might cost the Dr in that way which he purchased them 4625^l, or thereabouts; which said summe of 4625^l, if a moyetie thereof had been layd out in the yeare 1655 in debentures, which is alleadged might then have been bought at the best rate for 5^s per ^l, and the other moyety in the year 1656, in debentures, att 6^s per ^l, the whole would have come to 14756^l, which is 3698^l more then the Doctor hath been yett lycensed to buy.

4thly. That hee offereth to prove, by the oathes of severall men, that the full profitts of all the lands sett out for his satisfaction exceedeth not, since the 24th of Aprill, 1657, the summe of 800^l.

Itt allsoe appears that there hath been three thousand acres redeemed by the said Dr; formerly mortgaged, and that, whilst held by the persons claiming these mortgages, were subject to noe quitt rent, but are thereby now brought into charge as to their future quitt rents, besides above 700^l in money saved to the Commonwealth.

Wee allsoe find that your Lordshipps first orders to the Commissioners for
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setting out lands (of which the said Doctor was one) did beare date the 20th of May, 1656, and that any satisfaction hath been made him for his service in that employment appeares not, which is humbly submitted by

Your Lordshipps obedient Servants,

VIN. GOOKIN. RA. KING.

Dated the 3rd of March, 1658.

EDW. ROBERTS. ROB. JEOFFREYES.

The next day those four who did signe itt came in person to justifie itt, and *viva voce* to answer the objections made against it; and the Dr himselfe petitions to have the benefit of itt, which petition of his was reincountred by the following petition of the said three refusers.

TO HIS EXCELLENCE THE LORD LIEUTENANT OF IRELAND AND THEIR LORDSHIPPS OF THE COUNCILL THERE.

The humble Petition of Dr William Petty,

Sheweth,

That your petitioner hath been damnifyed for serving as a Commissioner for setting out to the army (as by the annexed report appeareth) the summe of 3698^l, besides many other inconveniences.

Hee therfore humbly prays a due reparation thereof, and such reward for his said service as to your Lordshipps shall seeme just.

And he shall pray. W^M. PETTY.

TO HIS EXCELLENCE THE LORD LIEUTENANT AND THE RIGHT HONOURABLE THE COUNCILL.

The humble Petition of the Committee of Officers intrusted by the Army for their Arrears,

Sheweth,

That your petitioners, being ordered by your Lordshipps reference to consider of the allegations in an adresse of Dr William Petty, represented unto this board by the Comissioners for setting forth of lands to the army, for further satisfaction of a debt of 6800^l, which he, the said Dr, alleadegeth to bee due to him, your petitioners did accordingly meet with the rest, and by reason wee could not come to find out what was remaining due to him without respecting what satisfaction

satisfaction he hath alreadie received, and by what orders, and finding, uppon the papers and orders by him produced, your Lordshipps had still a tender respect that neither the Commonwealth nor the army should bee prejudiced by any his said satisfactions, wee find that the satisfaction he hath received doeth very much tend to the prejudice of both, which hath occasioned our not signing the report.

Your petitioners, therefore, humbly pray that your Lordshipps would be pleased to grant them a further time to draw up their exceptions, wherein will appeare the illegality and irregularity of his proceedings in his former satisfaction, before any further satisfaction be given to the said Doctor.

And your petitioners shall pray.

RIC. LAWRENCE.

HEN. FLOWER. EDW. WARREN.

Which petition was answered by the Councill as followeth:

The petitioners are to attend the board uppon Munday morning next, to pursue and make good the allegation in the within petition mentioned. 4th of March, 58/9.

THO. HERBERT, *Clerk of the Councill.*

The said officers being backward, as wanting the causes of their exceptions, and exspecting intelligence from their confederates, the Dr, to quicken them, presents the following petition.

TO HIS EXCELLENCY THE LORD LIEUTENANT AND COUNCILL.

The humble Petition of Dr William Petty

Sheweth,

That allthough the assembly of officers mett at Dublyn in December last were noe representatives of all the officers and souldiers concerned in arreares, nor doeth it appeare how farr Collonell Lawrence, &c., represent the said assembly, and allthough it can be made appeare that the proceedings now in hand are not for regulation of generall abuses and augmenting the armes security, but out of designe to ruine and disgrace your petitioner, and allthough these

these proceedings before the Councill are but to prepare and enable your petitioners adversarys to vex him hereafter at law, and the enquiries desired tend only to the same purpose.

That your petitioner, to vindicate himselfe and your Lordshipps who having employed him, is willing to proceed any wayes, only begging your Lordshipps just care of him in the following particulars, viz^t:

1st. That of the irregularityes alledged to be in the whole worke of the Comissioners for setting out lands, those which concerne your petitioners owne particular may bee first scanned, and that such your petitioners irregularityes may bee ascertained in writing, and that such as are parties will vouch the same, exspressing the names of those persons whom they represent in these proceedings.

2dly. That your Lordshipps will putt this cause into such a way of tryall as your petitioner, after sentence one way or other, may be lyable to noe more molestation, but may have reparation for the defamations he hath or shall suffer, not allowed of by your Lordshipps said sentence, and that there be some security ascertained for this purpose.

3dly. That your petitioner, having justified his owne satisfaction by way of particular appointment, may have his remainder out of such like satisfactions formerly made unto and procured by the officers of the army, and especially out of theires who have signed any of the late petitions or have acted uppon them, or who were present at their meetings, not having protested against them.

4thly. That if your Lordshipps doubt of the right which his Highness hath to the enhauncements uppon dear termes assigned to your petitioners by your Lordshipps, your Lordshipps would give him leave to make good the same in the Exchequer, allowing your petitioner halfe for the said discovery, and that in the meane time your Lordshipps, withdrawing your allowance of them to your petitioner, would give him leave to putt in debentures in lieu of them, such as have been satisfyed to many others.

5thly. That after your petitioners adversaryes have made what search they please in the office of Commissioners for setting out lands, in order to a charge against your petitioner, that then noe further use may be made or required of the bookees and papers of the said office, excepting such as were delivered out of other offices thereinto, untill your petitioner have an allowance and *quantum meruit* of the said bookees, &c.

6thly. That

6thly. That all proceedings, since the 1st of December last untill your Lordshipps sentence hereupon, may be published in print, and that some indifferent notary bee forthwith appointed to that purpose; and that your Lordshipps would consider that without this, these proceedings, which may bee a ruine to your petitioner, will be but sport to his adversaryes, although they miscarry, they staking nothing to your petitioners whole estate and reputation.

And he shall pray,
WILLIAM PETTY.

By the Lord Lieutenant and Councill.

Ordered,

That Collonell Richard Lawrence, Lieutenant-Collonell Fflower, Captain Joseph Deane, Captain Edward Warren, Captain Shaw, and the rest of the officers who have complained against the undue proceedings of Dr Petty in order to his satisfaction, be permitted to take copies of such orders as have been granted by this board as the pretended ground and lycense of such the said Dr satisfaction, or other orders relating to this bussinesse, and that they prepare a charge under their hands, to bee delivered unto Sir Thomas Herbert, Knight, one of the clerkes of the Councill, on Monday next, against the said Dr Petty, as they shall find cause. Dated at the Councill chamber in Dublyn, the 11th of March, 1658.

Tho. HERBERT, *Clerk of the Councill.*

In consequence whereof they present another petition.

TO HIS EXCELLENCY THE LORD LIEUTENANT AND COUNCILL OF IRELAND.

The humble Petition of the Committee of Officers

Sheweth,

That your petitioners, in observance of your Lordshipps order bearing date the 10th day of March instant, did repaire to Commissioners office for setting out lands, exspecting there to have had a view or copies of such papers as were necessary for the enabling of them to performe the worke required at our hands by the said order, and desired a copie of Dr Petties accompt, with his petition and reasons thereunto annexed, offered to our consideration by your Lordshipps, uppon which the late report to this board and our exceptions were grounded; but the Dr is not willing to lett us have any further view of the said papers.

Wherefore

Wherefore wee humbly pray your Lordshipps further order that the said papers, with what other papers, books, or mapps of survey as wee shall have occasion for from time to time, may be shewed unto us, and wee admitted to copie the same, if wee shall find cause, which wee judge is noe less then your Lordshipps former order did allow of, but not consented unto by the Doctor, in regard the same is not clearely exsprest.

RIC. LAWRENCE.
Jos. DEANE.

HEN FLOWER.
EDW. WARREN.

By the Lord Lieutenant and Councill.

The Lord Lieutenant and Councill, adhearing to their former of the 10th instant, exspect the charge therein mentioned, and formerly delivered by word of mouth from Collonell Lawrence unto this board, to [bee] brought in on Wednesday morning next. Dated att the Councill chamber, Dublyn, the 14th of March, 1658.

THO. HERBERT, *Clerk of the Council.*

On the 15th ditto their charge called exceptions comes in, vizt:

To his Excellency the Lord Lieutenant and the Right Honourable the Council of Ireland.

In obedience to your Lordshipps orders, requiring us to give in our exceptions in writeing concerning the satisfaction had and desired by Dr William Petty, and of our not signing the report, wee humbly tender them by him drawne, vizt:

1st. It doth not appeare to us, having inspected into the nature of the satisfaction he hath allready had, and what he further demands, that there is any such legall debt due to the said Doctor as 11059^l, his whole debentures purchased, as given in to us and alleadged to be all amounting to noe more then 3225^l 15^s 7^d, or thereaboutes.

2ndly. Itt appeares by the list lately given in to us, that the lands which the Dr is now possessed of in the three provinces, according to the Act rates, amount to 8724^l 11^s, or thereaboutes, which, if sett out according to the *quota* of £, which hath been the knowne rule of the army, would pay 11210^l, or thereaboutes.

3rdly. That the said Doctor hath endeavoured to charge upon the armes security

security a debt of about 7000^l, which is forreigne thereunto, and, as wee hope to prove, ought not to be charged thereon.

4thly. That the said Doctor hath reserved out of the generall string severall choice places from diverse of the respective lotts, uppon which there were noe incumbrances, whereby the *quota* of the army was much lessened, soe that the lots of Leinster and Ulster fell short of their five sevenths two shillings per pound; and notwithstanding the Dr was afterwards much importuned by severall persons in whose lotts the said lands lay, that he would sett them out as cleer lands, yett he refused the same, and afterwards converted them to his owne use.

5thly. That the Dr hath taken to himselfe the benefitt of the enhaunced rates of the army without their consent, not having right thereunto, to the great prejudice of the State and army.

6thly. That the favour that was intended by His late Highness to repaire the Wexford lott for such lands as were given out to Generall Monke, the said Dr hath taken their benefitt and advantage thereof to himselfe, without right thereunto.

7thly. That although the Doctor, in the sume exsprest in the first exception, having purchased a sixth part of severall regiments lotts that should have been satisfyed in the barren lands admeasured by him in Kerrey, which, for the badness thereof, would not bee owned by the regiments, did, after the said purchase, and contrary to the intent of your Lordshipps order, dated the 15th of Ffbruary, 1657, transferr the said satisfaction into other cheif places.

8thly. And whereas the army, desiring to free this honourable board and themselves from the trouble of many reprizalls, did voluntarily consent and agree to leave out of their generall string all dubiouse and incumbred lands, uppon consideration that the said lands would be a good reserve for reprizalls to their respective lotts, in case of deficiency, or otherwise advantagious to such of themselves as should happen, through any mistake in the practise of their subdivisions, to fall short of equall satisfaction of their remaining debt; the said Dr, notwithstanding, against all right, has disappointed them in the ends afforesaid, by converting severall choice places of that reserve to his owne use.

9thly. That the said Dr hath gathered up the fragments of the armyes pence and perches that were quitt to the State, and endeavoured to charge the same

on the armyes security. All which is humbly tendered to your Lordshipps consideration by

Your Lordshipps most humble Servants,

RIC. LAWRENCE.

HEN. FFLOWER.

EDW. WARREN.

JOS. DEANE.

WILL. SHAW.

March 15th,

1658.

On the 18th ditto, the Dr putts in an answer:

TO HIS EXCELLENCE THE LORD LIBUTENANT AND COUNCILL.

The Answer of Dr William Petty to a Paper endorsed, Exceptions against Doctor William Petty, consisting of nine Articles putt in the 15th of March instant, directed to your Excellency and Lordshipps, and signed Ric. Lawrence, Hen. Fflower, Edw^d. Warren, Jos. Deane, and William Shaw.

To the preamble running in these words, viz^t:

In obedience to your Lordshipps order, requiring us to give in our exceptions in writeing, concerning the satisfaction had and desired by Dr William Petty, and of our not signing the report, wee humbly tender them by him drawne, viz^t:

I say that the nine articles of the said paper doe not seeme to be reasons against the truth of the report signed by Mr. Gookin, Mr. Roberts, Mr. King, Mr. Jeoffreys, and by them presented to your Excellency and Lordshipps, the 3^d of this moneth, wherein they certifie

1st. That I had lycense to purchase lands for 11059^{ll}.

2dly. That the lands I have, or the debentures which I have or must have to that purchase, have and will very probably cost 4625^{ll}.

3dly. That I might have laid out the said sume of 3698^{ll} to better advantage by an ordinary way.

4thly. That 3000 acres of land have been brought under quitt rents to the State.

5thly. That the State hath gained above 700^{ll} in money by the way of my satisfaction.

6thly. That

6thly. That my satisfaction hath not produced 800^l profit in two yeares.
7thly. That I have had nothing for my service in setting out lands.

And consequently, I say that as the said nine articles neither are nor were by the subscribers declared to be their reasons against their signing the said report, soe are they not reasons against the demands of a further satisfaction by me made, the 17th of Ffbruary last, to the Commissioners for setting out lands, and by them presented to your Lordshippe, and by your Lordshippe referred, among others, to the subscribers of the said nine articles by your order of the 21st of Ffbruary.

To the first articles, running in these words, viz^t:

Itt doeth not appeare unto us, having inspected into the nature of the satisfaction he hath alreadly had, and what he further demands, that there is any such legall debt due to the said Doctor as 11059^l, his whole debentures purchased, as given in to us, and alleadged to be all, amounting to noe more then 3225^l 15^s 7^d, or thereaboutes,

I answer:

That I never alleadged that 11059^l was due unto mee, but that I had ly-
cense to purchase land to that value, according to the rates that other men paid,
nor did I say that 3225^l 15^s 1^d were all the debentures I had.

To the second article, running in the words, viz^t:

Itt appeares by the list lately given into to us, that the lands which the Doctor is now possessed of in the three provinces, according to the Act rates, amounts to 8724^l 11^s, or thereaboutes, which, if sett out according to the quota of $\frac{1}{4}$, which have been the knowne rule of the army, would pay 11210^l, or thereabouts,

I answer:

That the lands which I am possessed off, at the same rates which other men paid, come but to 7458^l, which is the $\frac{1}{4}$ of but 10441^l, soe as I am over charged 1267^l.

To the third article, running in these words, viz^t:

That the Doctor hath endeavoured to charge uppon the armyes security a
2 O 2 debt

debt of about 7000^l, which is forreigne thereunto, and, as wee hope to prove, ought not to be charged thereon,

I answer:

That I endeavoured not, much less did charge, 7000^l forreigne, as is alledged, only I had my whole proportion of land cheaper then other men, but not cheaper then the State could afford it, by 4581^l, uppon account of 3181^l due to mee for arreares of admeasurement, and allowed to be paid me as debenture by your Lordshipps order of the 16th of March, 1656, and allsoe uppon accompt of 1400^l, the price of redeeming 2000 acres in Leinster, and 1000 acres in Ullster by me disincumbred, according to another order of the 20th of May following, for which 4581^l, satisfyed as debenture, I am out of purse 1974^l, and more ready money, which sume, with what my debentures placed on the premisses cost, being 1088^l, makes 3062^l, wherewith, att six shillings per pound, I might have bought 10206^l debentures, wheroff the $\frac{1}{2}$ is 7290^l, viz^t, but 168^l less then 7458^l, the value of all my lands; soe that I have saved hereby but 50^l, the price of 168^l in debentures, to ballance all my charge and trouble in proceeding this singular and extraordinary method of satisfaction, which my employment forced me upon, and which is the only cause of the jealousies now uppon me, as allsoe to balance the loss of opportunity *anno* 1655.

M^d. That odd shillings and pence are omitted in the premisses, for the more easie comprehension of the accompt.

To the fourth article, running in these words, viz^t:

That the said D^r hath reserved out of the generall string severall choice places from diverse of the respective lotts uppon which there were noe incumbrances, whereby the *quota* of the army was much lessened, soe that the lotts of Leinster and Ulster fell short of their 5 sevenths two shillings per pound; and notwithstanding the D^r was afterwards much importuned by severall persons, in whose lotts the said lands lay, that he would sett them out as cleare lands, yet he refused the same, and afterwards converted them to his owne use;

I answer:

1st. That I neither reserved nor withheld from the string of my selfe, but with my fellow Commissioners, and that, 1st, according to law; 2nd, the Councill order

order; 3^{dly}, former late preceedents; 4^{thly}, the armyes approbation; 5^{thly}, necessary reason; 6^{thly}, as to the manner, without possibility of fraud.

2dly. Noe place or land was reserved by choice, viz^t, neither for its goodness or badness, nor for being more or less incumbred or dubiouse, but for being under certaine generall rules agreed upon and allowed. Nor was that worke of neating and ascertainment of forfeited lands executed by the Commissioners themselves, but by their clerke and others, without any particular private direction from the Commissioners, as I beleive; I am sure not from my selfe in the least.

3dly. They did not well who tampered with and importuned any single Comissioner for any thing; nor was I to blame for not being wrought upon by those meanes, but the Commissioners did justly and prudently in disappointing those who pressed for reserved lands in the manner alledged.

To the fifth article, running in these words—

That the Dr^r hath taken to himselfe the benefitts of the enhaunced rates of the army, without their consent, not having right thereunto, to the great prejudice of the State and army—

I answer:

1st. I never tooke any thing of my selfe, but by the hands and seales of the Commissioners, both according to their generall commission and particular order, who acted upon their oaths, and were trustees of the army as well as Comissioners of the State.

2dly. I have not the enhancements, nor have I any enhauncements where-with the officers and souldiers have to doe, or whereby the State is damnifyed, or without the States order.

To the sixth article, running in these words, viz^t:

That the favour that was intended by his late Highness, to repaire the Wexford lott for such lands as were given out to Generall Moncke, the said Dr^r hath taken the benefitt and advantage thereof for himselfe, without right thereunto—

I answer:

That the north liberties of Limricke did by law belong to the Wexford lott, and with debentures belonging to that lott I purchased them, although I had

had authority to have applyed any other debentures for service since 1649 thereunto, viz^t, by the order of your Lordshipps, 5th Ffebruary, 1657.

To the seaventh article, running in these words—

That the Dr^r, in the summe exsprest in the first exception, having purchased a sixth part of severall regiments lotts that should have been satisfyed in the barren lands admeasured by him in Kerrey, which for the badness thereof would not bee owned by the regiments, did after the said purchase, and contrary to the intent of your Lordshipps order, dated the [5th Ffebr.], 1657, transferr the said satisfactions into other choice places— .

I answer:

The sixths of debentures which I purchased had neither any particular satisfaction assigned to them, nor did they accept of Kerrey; nevertheless, I tooke satisfaction for such debentures in the coursest barony of Kerrey, which I needed not to have done. And in confining my choice to one miserable barony, who might have chosen in all the three provinces, I was not immodest.

To the eight article, running in these words, viz^t:

That whereas the army, desiring to free this honourable board and themselves from the trouble of many reprizalls, did voluntarily consent and agree to leave out of their generall string all dubiouse and incumbred lands, uppon consideration that the said lands would be a good reserve for reprizes to their respective lotts, in case of deficiency, or otherwise advantagious to such of them as should, through any mistake in the practise of their subdivisions, fall short of equall satisfaction, or, in case none should fall out, it would remaine as good security towards satisfaction of their remaining debts, the said Dr^r, notwithstanding, against all right, hath disappointed them in the end afforessaid, by converting severall choice places of that reserve to his owne use—

I answer:

The worke of neating or ascertaining of lands was not instituted or practized by vertue of any capitulation with the souldiery, but by prescript of the law, order of the Councill, &c., as afforessaid.

To the ninth article, running in these words, viz^t:

That the said Dr^r hath gathered up the fragments of the armyes perch and pence,

pence, and that were quitt to the State, and endeavoured to charge the same upon the armyes security—

I answer:

That I gathered up but what the army had quitted to the State; I must answer that to the State, not them.

From all which I humbly inferr:

1st. That I possess noe land without order from lawfull authority.

2dly. That the lands I have did cost me more proportionably then others usually have paid.

3dly. That I have noe advantages, as to the manner of my satisfaction, but what my present accusers and many others have procured for themselves, and doe enjoy; and this I say, not as recrimination, but as an argument *ad hominem*.

4thly. That the way of my satisfaction is neither contrary to law or equity, only itt is singular and extraordinary that I did not choose this way, but was forced into it, to avoid scandall in my employment, not having dealt for lands or debentures till three monethes after the body of the army was satisfyed; yet this was dearer, less safe, more lyeable to jealousie, then the common, and therefore allsoe not chosen by me, and is such away as I am willing to change for the common way, as I have severall times proffered to doe, both of late and heretofore.

5thly. That my care to avoyd scandall as afforesaid, and my service as a Comissioner, hindered me from laying out my money to neer 3700^l more advantage then now I have made by itt.

6thly. That I have received nothing for my three yeares labour and misery, but am exspoused to calumny, &c., for my reward, and that the State have gained well by the very manner of my satisfaction. All which, reserving the liberty of further answer, is submitted by

Your Lordshipps obedient Servant,

Dated the 18th of March,

WILLIAM PETTY.

1658.

An

*An Accompt relating to the Prooфе and clearing of Dr William Pettyes
Answer to the third of the nine Articles of Exception against the said
Doctor.*

There was due unto the said Doctor, as the arreates of one penny per acre, due from the souldiery for their admea- surements,	}	3181 ^{ll}
The price of 2000 acres of land in Leinster, and one thou- sand in Ulster, at the Act rates,	}	1400
		4581
Paid by the said Dr for the abovementioned arreates of pence,		711
Paid for clearing the above 3000 acres of lands from incum- brances,	}	1263
		1974
1877 ^{ll} , the $\frac{1}{2}$ of debentures. 1000 ——— full debentures. 4581 ——— extr.		
<u>7458^{ll}</u>		
1877 ^{ll} is the $\frac{1}{2}$ of 2627 ^{ll} debentures; the which, with 1000 ^{ll} more, makes 3627 ^{ll} debentures, which, at 6 ^l per ^{ll} , will cost,	}	1088
The said 711 ^{ll} and 1263 ^{ll} , with the said 1088 ^{ll} , making in all 3062 ^{ll} , is the price in ready money of the lands sett out to the Dr, the which, according to the rates which other men have paid in the same places respectively, doe amount unto, in value,		7458 which is the $\frac{1}{2}$ of 10441 ^{ll}
		The

The price of 745*8*l** in lands, being 3062*l*ii**, as aforesaid, in ready money, would, att six shillings per pound, have purchased of debentures, } 10206*l*ii** of which the $\frac{1}{4}$ is 7290*l*ii**

The difference betweene the said 745*8*l**, which the said Doctor hath, and 7290*l*ii**, which, by the ordinary way, he might have had, is 168*l*ii** in debentures, which, att six shillings per pound, comes to } 50*l*ii**

These calculations are true, odd money for ease excepted, and is answerable to the report of Mr. Roberts, Mr. Gockin, &c. Dated the 3^d of March, 1658.

Hereupon, Munday, the 4th of April, 1659, but afterwards Thursday, the 7th of the same, is appointed for an hearing before the Council.

CHAPTER XVIII.

ON Sunday, the third of April, the Doctor receives the following letter, and other proceedings from the Parliament, Sir Hierome Sankey coming over the same time to seeke evidence for his wild assertions:

For Dr William Petty, one of the Members of Parliament, and one of the Clerks of the Councill in Ireland,

These.

Dublyn.

SIR,—According to the resolutions of the knights, cittizens, and burgesses in Parliament assembled, made on Thursday, the 24th of this instant March, the copies whereoff I herewith send you, I am to acquaint you that you are to attend the House, Thursday, the 21th of April next; and I doe herein likewise send you enclosed a copy of certaine articles brought into the House against you, and by their order read on Thursday last; being all in command to you from the Parliament at the present, I bid you farewell, and am,

Sir, your loving friend,

Westminster, the

THO. BAMPFIELD, Speaker.

26th of March, 1659.

IRISH ARCH. SOC.

2 P

Thursday,

Thursday, the 24th of March, 1658

Sir Hierome Sankey presented to the House a paper signed with his owne hand, concerning Dr Petty, one of the members of this House.

Resolved, &c.

That the paper presented to the House by Sir Hierome Sankey, under his hand, concerning Dr Petty, be now read.

The paper was read accordingly, and was subscribed Hie. Sankey, and was entituled *Articles of Misdemeanour and Breach of Trust, against Dr William Petty, elected to serve in this House as a Member of Parliament.*

Resolved, &c.

That Dr William Petty, Dr of Physick, a member of this House, be appointed to attend the House on this day moneth.

Resolved, &c.

That a coppy of the articles now brought in against Dr Petty be sent unto him into Ireland, and that Mr. Speaker doe signe a letter directed to Dr Petty, with a copie of the articles to bee inclosed therein, and sent to him.

Resolved, &c.

That Sir Hierome Sankey, or such as he shall thinke fitt to employ in that behalfe, shall have recourse to such records as are in Ireland, and may have true and authentique copies of such of them as shall be desired and thought necessary to make good the articles now brought in against Dr Petty.

*Jo. SMITH, Clerk of the Parliaments
to attend the Commons.*

*Articles of Misdemeanours and Breach of Trust, against Dr William Petty,
elected to serve in this House as a Member of Parliament.*

1st. That the said Dr hath received great bribes.

2dly. That, contrary to the Act 165[3], ch. 12, page 249, in Scobells Collections, he hath made itt his trade to purchase a vast number of debentures, hee himselfe being the then chief surveyor; and hath used all other meanes to necessitate others to sell their debentures to him, or else denied to sett them out their lands.

3dly. That

3dly. That by fraudulent and indirect meanes he hath gott into his hands vast summes of money from the State, possest himselfe of many thousand acres of land that he hath noe right unto, having noe claime thereto by lott or consent.

4thly. That he used many foule and unwarrantable practises during his employment of being surveyor and Commissioner, to the great wrong of others, and dishonour of the Commonwealth.

5thly. That he, the said Dr^r, together with his fellow Commissioners, have placed many debentures upon security that they had noe claime unto, and denied unto others the security which of right belonged to them.

6thly. That he, the said Doctor, together with his fellow Commissioners, have totally disposed of the remaining part of the armes security, contrary to law, the debt still remaining and chargeable upon the State.

HIE. SANKEY.

These things being att this pass, the said seaven officers, supposing that, in the Dr^r being thus sent for, his Excellency himselfe was struke att, and that hee would thinke what was done was rather in order to some great matter, which indeed was the common opinion, came to the then Lord Lieutenant protesting and calling God to witness, that what Sankey had done was by noe advice or consent of theirs; that the Dr^r oppression would be their great greife and loss, he being one without whome they could not proceed in the rest of their distribution; and their only intention was to shew his Lordshipp such irregularities in his actings as might procure reproofe enough whereby to take of that insolency and domination wherewith he managed that affaire; and that themselves had nothing to say but what was in their exceptions exhibited to the Councill, nor would they meddle or make further in the bussiness.

Notwithstanding all which, they mett dayly; sent up and downe to all manner of discontented persons, far and neer; used all meanes to draw out of every what he could devise to say; revived discontents in those who had cleered accompts with the Doctor some yeares before; sent for Worseley, the late Surveyor-General, his professed enemy; tampered with his servants, especially the most indigent of them; entertained lawyers; and, in fine, did whatever could be thought on, to putt weapons into the hands of this furious Knight.

On the other side, the Dr^r prepares himselfe to goe over to answer the charge, carryeth with him such letters of recommendation as his good friends were

pleased to load him with. He came to London the 17th of April, tooke his place in the House the 19th, and on the 21st, in the morning, before he had delivered two of his said many letters, answered, or rather spake to his charge, to the following purpose:

MR. SPEAKER,—I received your letter, whereby I am appointed to attend this House as this day. I am here in obedience to those summons, and to receive the further pleasure of this House. I did, Sir, with your letter, receive certaine articles brought in against me by Sir Hierome Sankey, but doe not perceive I was required to prepare any answer to them; for indeed I thinke it is impossible to give any, those articles being soe generall and confused; for the substance of them is, that I received great bribes, bought great numbers of debentures, unwarrantably couensed the State of vast sums of money, the soldiers of vast scopes of land, and that I and my fellow Commissioners have used many foule and unwarrantable practises in our employment, but without any mention of time, place, person, or other circumstances whereby I might understand what this charge meanes.

Wherefore, M^r Speaker, I desire your pardon if I make noe answer to itt, otherwise then to tell you, in generall, I am not guilty of a title. I promise you, Sir, I shall be ready, at a very short warning, to give you an answer to any particular complaint that I ever heard so much as murmured against me. And truly, Sir, I am not ashamed to tell you that within this three yeares I have heard very many, but, I thank God, chiefly from those who are jealouse and querulous upon all occasions, and who are practised in a way of protestting against other dispensations of justice, as well as those wherein I have acted. I tould you, Sir, I should make noe answer to this charge; nevertheless, I shall make soe much use of these articles as to take them as a theame and a hint whereupon to acquaint you with my carriage in matters of this nature; nor shall I upon this occasion scorne to follow the absurd method of the articles themselves, in my discourses upon them.

Wherefore, upon the first article, which is, that I received great bribes, I say:

That although I had the honour to be secretary to his Excellency the Lord Lieutenant in Ireland, in which capacity severall warrants and orders for the disposing of beneficall offices, church livings, exemption from transplantation, pardons

pardons of crimes, and severall grants of land, have past through my hands, yett I assure you, Sir, that I have not made profit enough to defray the incident charges of that office, not having demanded the ancient and accustomed fees belonging to it, and meereley upon the accompt of preserving his Excellencies honour cleare, and my selfe free from the least appearances of this evill.

I am likewise, Sir, clerke of the Councill, in which capacity tis obviouse that wee have the meanes to fore-slow or forward mens bussiness, to exspres the sence of the board in words of more or less advantage to the suitor; besides, their Lordshipps of the Councill are sometimes pleased to require my poor opinion in some cases, especially that concerne disposure of lands. And yett, M^r Speaker, all these opportunitys and temptations have gained to me noe other profit, perquisite, or priviledge, but the bare salary of that place, notwithstanding wee doe some sometimes extraordinary worke for the accomodation of particular persons.

I am, M^r Speaker, one of the Commissioners for setting out lands to the army, and, as my eniuouse adversaries say, the only Commissioner, and *dominus factotum* in the business, though there be a rash mistake in that; however, Sir, wee distributed as much land as probably might have been soold for a million of ready money. Our rules have been such as wee have given out lands indifferently, at one and the selfe same rate, which differ in intrinsicke value as much as ten from one; and yett, notwithstanding all these temptations, I have not been swayed to favour by bribery. I have received noe gratuity, not soe much as of eeatables and drinkables; and have been soe sparing in my negotiations upon matters relating to this trust, that I have allready, and can againe make itt appear, that I am neer four thousand pounds worse for meddling with this employment. I say, M^r Speaker, near ffour thousand pounds of pecuniary damage, besides a thousand other inconveniencies, whereof this great accusation is but one.

As to the second, which is, that I have made it a trade to buy vast numbers of debentures when I was chief surveyor, contrary to the proviso of the Act of Satisfaction, and that I have by injuriose artifices necessitated men to sell their debentures, or else to deny them satisfaction, uppon which article I say,

That the vast number of debentures which I have bought are under 7000^l; that I have been soe farr from making a trade of it, that I doe not remember
from

from whome a tenth part of them were bought. I was never surveyor by office, but undertaker by contract, and rather a contriver of the way and method how many surveyors should worke, then a surveyor myselfe, having never given any particular directions aforehand, nor made any alteration in their worke afterwards. I never medled with lands or debentures till this surveyorship, such as it was, was at an end; and then, and when the distribution alsoe was over, I got an exspres and legall leave to buy more debentures then I did. I have, M^r Speaker, been superstitiously carefull of this proviso of the Act of Parliament, wherewith I have been long acquainted, upon the occasion of other concernements as well as my owne. As for necessitating to sell, I conceive that was not possible *ex natura rei*, much less to sell to me. The debentures I bought were of such men as bought to sell againe; I paid prizes, as if I had been necessitated to buy. And as for refusing to sett out lands, I say that all debentures that possibly could bee drawne, by proclamation after proclamation, within about ten moneths time, were satisfyed in the freest, most generall, and regular way imaginable. Besides, Sir, there were four Commissioners for setting out lands, any two making a quorum; so that in effect there were three quorums of Commissioners besides my selfe, any whereoff could have sett out lands without me.

To the third article, which is, that by fraudulent and indirect meanes I have gotten into my hands vast summes of money from the State, and possest my selfe of many thousand acres of land whereunto I have noe right, I say that I never had any money from the State by way of gift or donation, but only by contract; that such contract was the dayly worke, for four moneths together, of the Councill, grand committees of officers, committees of artists, admitting the advice of whomesoever thought themselves concerned, and att length reviewed by his Highness councill at law; that I never received money by this contract untill I had first been sufficiently tortured by references, reports, examinations of all kinds; that the summe which I have received exceeds not 17000^l; the worke that hath been done for this summe was the admeasurement, ffield by field, of twenty-two countyes, within thirteene monethes time, which was thought the worke of as many yeares. Of this 17000^l, the souldiers paid about halfe, and did make this contribution of their owne accord, through my interest with them, and the good opinion they had of my performance. That the survey, as it now lyeth, I verily beleive, will not be left by the State for more money

money then it cost them, althoough the principall use of it be now over; all which, Sir, have been signes that the State hath not been soe egregiousley cheated as is alledged. Besides, Sir, itt seemes a foule reflection, not only uppon the present Lord Lieutenant, but uppon the late Lord Deputy Ffleettwood, as allsoe uppon the Councill, the surveyor, auditor, receiver, and Attorney-Gene-rall, and severall other ministers of State, that they should bee soe frequently and soe grossely counsenned by me of such vast summes; nor is it less arrogance for any one stranger in these affaires, not famouse for his sagacity, to smell out those frauds and couisenages, which soe many ministers of State, acting in their proper spheares, could not.

As to the many acres of land I am posessed of, I tould you, M^r Speaker, that I had dealt for about 7000^l in debentures, and I tell you that my lands are but proportionable to my debt, and have cost me more ready money then any man I know hath paid for the like, and that money soe bestowed hath not produced to me halfe soe much as I could have made by itt at the interest usuall in Ire-land; besides, I have noe lands but by exspresse order from the proper dispensers of it, and those againe grounded upon other orders of the cheife authority of Ireland, and their orders, as I am very well advised, correspondent to the laws. I confess, Sir, there is a singularity in the modes of one or two of my satisfac-tions, but this singularity is a prejudice to noe man but my selfe, a convenience to some and an advantage to the State, and is such as I have offered to change into the high common road of other mens satisfactions, which hath been opposed by some peevious and forward persons, meereley out of hopes to make that singu-larity appeare a crime against mee.

As to the fourth article, which is that I have used, both as surveyor and Commissioner, many foule and unwarrantable practises, to the wrong of particu-lar persons, and dishonour of the Commonwealth: to this, Mr. Speaker, being so generall, I know not what answer to make; only lett me tell you, I should be glad to see one instance of this nature made good in the same manner, as to see some extraordinary rarity of art or nature, althoough it were to my cost or damage; ffor, Sir, if I have not been in a dream these three or four yeares, and drunk with selfe conceit, the practises which I have used, both as surveyor and Commissioner, are such as I can glory in, that is to say, to have admeasured, as I told you, twenty-two countyes in thirteene moneths time, with the chaine and instrument; to have done this by the ministery of about one thousand hands,

hands, without any suit of law, either with my superiours or with them; to have maintained this survey stiff and stanch against the impugnation of some thousand diligent find-faults; to have freed my selfe and sureties by the consent and mediation of ffourty-five officers of the army, a greater number, Mr. Speaker, then usually voucheth any act called the armes; to have assigned satisfaction for above twenty thousand debentures in such away as hath admitted of noe chopping and changing afterwards, and soe as a slight coppy out of our booke is accepted in courts of justice as a good evidence, meerly by virtue of the naturall justice and validity whereupon itt stands. To have done this under the eye of the cheife authority, without ever receiving any checque or reprove for what was done, or without being bid soe much as to take heed, or doe soe noe more, and, which is more than all, Mr. Speaker, that God gave me courage to oppose the greatest persons, though allways with due respect to their condition, meerly to maintaine strickness of rule, althoough, Sir, those worthy persons have afterwards accompted our severity their security, and have thanked us for itt. The truth of it is, Mr. Speaker, this kind of severity to those that could not beare it hath made us enemyes, whereas corrupt partiallity would have made us a kind of friends: and this is not the course of corrupt and guilty ministers.

And as to the two last, which concerne the other Commissioners as well as my selfe, and indeed soe doe many of the others, I shall say nothing to them more then to tell you that my fellow Commissioners are grave persons, men of tryed knowledge and integrity, not apt to deceive, or easy to be deceived. Mr. Speaker, they are men that scorne to bee lead by the nose by any man, much less by such a youngster as I am. I will not deprive them of the honour to vindicate themselves, if there be occasion, only I shall say a word to the last of these articles, which indeed is more capable of answer then any of the rest.

Tis said that all the security of the army is totally disposed of, but is notoriously knowne, that of lands good and bad three hundred thousand acres yet remaine; and whereas tis said the debt is still left upon the State, I tell you that the lands which have been sett out have paid as much debt as is chargeable upon them by the law; insomuch as my enemyes, whose ignorance is of a contrary nature to this gentlemans, complain that the lands sett out have been extended to pay too much debt.

Here you have, Sir, my generall observations uppon this generall charge; I have given you allegation against allegation, althoough, Sir, I am ashamed to use

use that way of defence; but, as it hath been your patience to hear me make them, soe I shall esteeme it my honour and advantage to bee putt to prove them, even to a title.

Having spoken to my accusation, I should say something to my accuser; but flesh and bloud being too prone to recrimination, especially when there is much matter for itt, I shall forbeare; besides, Sir, it is not necessary I should describe him, for if a man hold up his hand, or any other object, between the sun and a white smooth wall, without any art or industry, the shape and proportion of hand or object will appeare uppon the wall, though blacke and deformed. Soe, Sir, I presume that when this person is placed betweene the light and the unprejudiced smoothness of this House, his shape and dimensions will appeare in like manner.

Mr. Speaker, there is more of malice and crooked designe in this business then every man is aware of, and truly I beleive more then this gentleman is capable to conceive himselfe, therefore I desire you to have a care of me, both as a man and as a member of this House, at least for a while, untill you know me and my business further. My employments have made me many enemyes, nor have I had the opportunity to make scarce any friends. The adventurers for lands in Ireland have, with much artifice, been wrought into an opinion that I am their enemy, which I am not. I have, Sir, been industriouse to serve them, and the settlement of the nation in their affaire, ffor which the better part of them give me thanks; I have offended the imaginations of some jealouse persons, in order to doe common justice and right unto all: let them not offend me but upon like grounds.

I have, Sir, been so weary of the calumnies I lye under, that I have often endeavoured to bring my selfe to a tryall, and I was to have been tryed and heard within three or four dayes after I received your summons; but my adversaryes have done more for me then I was able to doe for my selfe, they have brought me to the best tryall, to the highest and noblest judicature: I say, they have brought me to this fountaine of justice, and I willingly throw my selfe into it, to bee washt from all that is foule and superfloue about me.

As for the manner of my tryall and vindication, I committ it to the wisedome and justice of this House. Nor am I sollicitouse about the event of it. I have been in towne this four dayes without having spoken to any member concerning the meritt of my cause. I have advised with noe lawyer, although I have

retained severall. I have been only studiouse to recollect what I have been doing this three or four yeares, which might occasion this heavy charge; but, Mr. Speaker, I can remember noe fact whereof I am either afraid or ashamed. Wherefore my earnest motion is, that instead of these heapes of calumnies and reproach, I may receive a more distinct and particular charge, whereby I may bee putt in a way to vindicate my selfe effectually.

Having ended this discourse, the knight replied, as neer as the memory of such as were present can recollect, much to the following purpose, and even the very words, holding many papers in his hand, viz^t:

Mr. Speaker,

You have heard here a long, starcht, studied speech; I say, a Sir H. Sankys starch, studied peice. Mr. Speaker, there has been a great deale reply. of rhetorique; I say, a great deale of rhetorique. But I will prove my charge: I will make it good, Mr. Speaker, from the front to the reare, front, flanke, and reare; Mr. Speaker, that I will. I have not much rhetorique, but I have my papers here; I have fetched them here from Dublyn; here they be in my hand; I have them ready, Mr. Speaker. Here be foule things; I will prove them. I warrant Ill prove them, Mr. Speaker. He says, Mr. Speaker, that he hath not taken bribes—not bribes? O strange! Really if he hasnt taken bribes, then he hath taken nothing. Not bribes!—sure he hath lost his memory! I thought he would have confess that. If he had but as good a memory as he has confidence, hee would confess that, Mr. Speaker: hee must have confidence. Really, he wants it; for I have foule things in these papers here. Not bribes? Mr. Speaker! Why, there was Lieut.-Collonell Fflower, Mr. Speaker, gave him a bribe. Lieut.-Collonell Fflower came to him with an order for land, and the Dr asked him what he would give him; Lieut.-Collonell Fflower said 100^l, but the Doctor said, Pish! pish! Fflower, willt thou give me noe more; thou shalt give me 100^l a year, Fflower, that thou shalt; and soe, Mr. Speaker, Lieut.-Collonell Fflower gave him 100^l a year for a bribe. In my judgement, now, this was a bribe: for what was it else, Mr. Speaker? And, Mr. Speaker, there was Captain Sands. Captain Sands came for a reprizall; but, said the Doctor to him, will you give me your house, then? His house in Oxman-towne, Mr. Speaker, next to Sir Robert Meredith there. Will you give me your house, Captain Sands? said the Dr. Now if this was not a bribe, twas an inducement to a bribe. Soe Captain Sands was glad to give to the Dr. his house in Oxman-towne, that he

he bought of Adjutant-Generall Allen, and to make a writing for it; but afterwards Captain Sands would have his writeing againe, and the Doctor would not give it him; soe they fell to strugling, and Captain Sands was glad to teare the writings all to peices. I say, Mr. Speaker, this was an inducement to a bribe; but I have fouler things in my papers here that I brought from Dublyn; I say, from Dublyn, Mr. Speaker.

Whilst he went on at this rate, the House fell a talking one with another, till at length one, who had some other business to move, desired that the gentleman might bring in his charge in writing; but another answered, that the gentleman had his papers, and that all was in writing alreadly. Another moved he might have time allowed to understand his papers. Another, fearing when Sir Hierome had done, that something of an ill nature would bee moved, desired that Sir Hierome might proceed. This motion seemed to Sir Hierome like Assuerus holding out the golden sceptre to Esther. Whereas he suddenly rose up againe, and said:—Why, then, M^r Speaker, there is Captaine Winkworth came with an order for the liberties of Limricke; but the Doctor said, Captaine, will you sell? will you sell? Noe, said the Captaine, tis the price of my bloud. Then said the Doctor, tis bravely said; why, then, my noble Captaine, the liberties of Limricke are meat for your masters, meaning the Lord Deputy. Now, M^r Speaker, who dishonoures my Lord Deputy, the Doctor or I? In my judgement, now, the Doctor doeth. Then, M^r Speaker, comes Lieut.-Collonell Brayfield for land; but the Doctor asked whether he would sell? He said, No. Then said the Dr^r, Littleman, Littleman, there is land for you beyond the moone. I have more yett, M^r Speaker; there bee fouler things yett; this is but halfe.

Hereabouts interposes another, saying, M^r Speaker, I admire you soe much forgott your selfe as to hearken to these private quarrells, and neglect the publicke. Another, who himselfe used to speake like Sir Hierome, and loved such discourse, desired the gentleman might proceed.

Sir Hierome starts up then, and said:—M^r Speaker, I must speake, for I have foule things. Why, there is Balleboy, the barony of Balleboy, M^r Speaker; the Dr^r has 7000 acres in the barony of Balleboy, that he has noe right to. And then there is the od pence, that he has taken them all to make his debt swell; he has 18000 acres, and his debentures come but to about 5000 acres. Ffor our debentures, M^r Speaker, comes many times to five shillings two pence; hee

takes the 2^d to himselfe, and pays only 5^l. Then there is another thing, M^r Speaker, I have it here in my papers, and that is Straffords survey; the Dr gives in a duplicate of Straffords survey, which never cost him 20^l, and receives 1100^l for itt. These bee foule things.

Here another moved againe, that he might putt his charge in writing, and that the House might proceed to the business of the day; which motion, the House being weary in exspecting some materiall thing, was seconded, and a weeks time allowed Sir Hierome to put his charge in writing.

Vpp starts Sir Hierome againe, and said, M^r Speaker, I have but one more short motion to make, which is, that all the originall mapps and books of reference which the Dr keepes, contrary to the Act of Parliament, may be brought into the Exchequer; for those are the bookes uppon which wee hold our estates, those are the records; and if wee have not those, M^r Speaker, wee may be all undone.

Hereupon the Dr answered, saying: M^r Speaker, the surveys upon which the souldiers deeds are and must bee grounded are allready delivered into the Exchequer, and are kept there as records. The papers hee mentions are certaine foule draughts of plott, signed by noe man, confused, imperfect, hard to be understood, &c., which might be a distraction in the Exchequer, but are of noe use, the fair and authentique vouched books which have been made out of them being in the Exchequer allready. Besides, M^r Speaker, if these papers were either needfull or due to the State, I wonder why they have not been required any time these two yeares. If the gentleman who desires them hopes to prove any of his articles by them, I am contented they may be secured. Then replied some friend of Hieromes: But, M^r Speaker, the Act of Parliament requires them. Whereupon I answered, that the Act required only what was the States owne to be putt into the States hands; I desired it might be first tryed whose goods those bookes and mapps were; if the States, they should have them at an hours warning; if the Dr, they should buy them of him, at a very reasonable rate.

Soe then it was moved that it might be left to the Lord Lieutenant and Councill of Ireland to dispose of those papers according to law, and ordered accordingly.

This being over, the House fell upon the militia, and the right of disposing thereof, which debate was resumed in the afternoone; but Sir Hierome was not

not present, but busied about a more effectuall worke, which was the dissolving of the House that night, wrought from his then Highness, and the next day in effect executed.

The next day after, being Saturday, the House being dissolved, Sir Hierome, meeting the Dr^r, said he heard he exspected reparations. The Dr^r told him he did soe. Hee answered that he had not yett done with him, but would have another bout with him before his Highness and Councill. The Dr^r told him he would waite his summons. By this time they were both come to my Lady Fleetwoods chamber, where my Lord being present, uppon some occasion given, the Dr^r bid Sir Hierome picke but two or three of the foulest articles, such as he could most easily prove, telling my Lord Ffleettwood that he would stand to his judgement upon them, or of any others whom his Lordshipp should appoint. But my Lord said they had all their heads too full at that present, but that hereafter he would doe something. The Dr^r staid a weeke longer, exspecting the summons Sir Hierome spake of, but, finding none, repaired into Ireland, where news was that himselfe was detained in England prisoner; that, all the ports having been laid to take him, he had been stopt. There were allsoe endeavours to have him sent backe againe into England as a prisoner, pretendedly for not taking notice of what Sir Hierome talked of. He arrived in Ireland about the twelvth of May, and the 16th of June following was employed to carry to the Parliament the then Lord Lieutenants letter of acquiescence.

Some time before, the Doctor having been well assured that new articles were preparing against him, for the long Parliament, he procured the seven officers who corresponded with Sir Hierome to meet, where he propounded to them that whatever was singular or extraordinary in his assignements of land he would translate into the common way, propounding a satisfactory method to put the same in practise, referring itt to the care off authority to provide him a reward some other way for the service he had done the State and army. This was not hearkned to, without opening any reason why it was not; whereupon hee went into England, spake with Collonell Sanky, found him externally soe civil as to promise him not to attempt any new exsploit without acquainting him with it. Nevertheless, without any such notice, hee puttts in the articles, with an intention to deprive the Dr^r of the benefit of the Act of Indempnity then in passing; but herein God did disappoint, almost miraculously, soe that he hath

hath the pardon which he never shall appeare to want; the which articles, with the order of Parliament thereupon, are as followeth, viz^t:

Articles of high Misdemeanours, Frauds, Breach of Trusts, and severall other Crimes, presented against Dr William Petty by Collonell H. Sankey.

1st. That whereas the said the Doctor was, by the late authority of the Lord Lieutenant and Councill of Ireland, intrusted as a Commissioner, with others, for setting forth of the forfeited lands to the officers and souldiers there, according to their severall and respective arreares, the said Doctor, contrary to the said trust, and contrary to all good conscience and right, hath, by his owne arbitrary power, and through the undue complyance of his other fellow Commissioners, possessed himselfe of fifteene thousand four hundred eighty-
15483^a three acres of lands, belonging to the souldiers security, which, according to the rate of the Act, and to the *quota* or rule for satisfaction of the army, doeth amount unto 10188^l 12^s; whereas, upon a strict examination and inquisition made by a committee of the army appointed thereunto by an order of the said Councill, it doth appeare that he hath noe right to claime any lands for more then 3480^l 18^s; to the plaine damage, therefore, of the armes security, and defrauding the Commonwealth of 6711^l 18^s, as is ready further to be proved upon record.

2dly. That whereas the said Dr, upon his request to the late Lord Lieutenant and Councill, had license from the said Councill, by an order dated the 5th of March, 1656, to redeeme or disengage lands in what place soever he should choose, within the three provinces of Leinster, Munster, and Ulster, not exceeding 1000^a in each province, provided that the lands to bee redeemed were mortgaged for more then their value, did, according to their respective rates of the Act, really amount unto, provided allsoe, that nothing were done by occasion of the said redemption to the prejudice of the Comonwealth or of the army; and whereas by severall accompts, as allsoe by severall other papers given in by the said Doctor himselfe, the said Dr upon his repute hath affirmed that the said redemption did really cost him 1262^l 10^s. Itt hath allsoe appeared to the said committee, and is ready to be proved, that part of the said lands soe redeemed by the said Dr were mortgaged for such summes as were under the said Act rates; part of the said lands were unduely and collusively

sively gotten by the said Dr by way of fraud or reward, without any money or valuable consideration att all disburst for them; and part of the said lands were wrested by the power of the said Dr out of the hands of an officer of the army, to the great loss, injurie, and oppression of him.

3dly. Whereas severall regiments of the army falling in one division together, did by agreement amongst themselves, and for the better equalizing one lott with another, conclude on certaine rates to bee sett on severall barronyes, some above, some under those mentioned in the Act; the benefitt or advantage of all which enhanced prizes were, according to the intention of the said agreement, to bee applyed only to such regiments as were within the said division. Itt hath alsoe upon examination appeared that the said Dr, contrary to his duty and trust, did not only obstruct and withhold the benefit of the said surplus due to some of the said regiments, but, without any colour of authority or consent of the said regiment or of the army, arbitrarily and unjustly apply the said benefitt to his owne private use.

4thly. The said Dr, under colour of making a neat booke, or contrivance so called by him, to avoid all inconveniences to the army of falling uppoun lands mortgaged, decreed, or otherwise given away to any Protestants, did leave out of the lott of the said army, and of the severall regiments of the same, many of the chiefest places and seats that were belonging to their whole lotts respectively, and did putt in many others knowne to be incumbred, granted, and given away uppoun the claime of Protestants; which choice and pict places, soe purposely left out by him as afforesaid, itt hath appeared that he the said Dr, under the pretence of an order of the Councill, procured at the instance of himselfe, did possess himselfe of and convert to his owne private advantage and use, to the great prejudice and damage of the whole army, and contrary to all justice and right.

5thly. Whereas uppoun consideration and performance of several articles and conditions entred into and undertaken by the said Dr, the said Dr was, according to the said articles, to receive from the army, and from all persons to whome lands in satisfaction for the souldiers arreares were to be given, one penny upon the acre, as doth more at large appeare by the said contract; the said Dr having gott into his hands, under pretence of the said agreement, above 8000^l, yett did never performe severall of the said conditions articled for with him, notwithstanding some of the conditions never yett performed were the

maine

maine of those that were undertaken by him; and yett, nevertheless, by vertue of the power and interest hee then had, did gett up his bonds given in for the said contract, and did obtaine an order for cancelling the said contract, to the great wrong, prejudice, and dissatisfaction of the whole army.

6thly. Whereas the said summe of 1^d upon every acre of land lyeable to the satisfaction of the army, if the whole admeasured within the security of the souldiers had been actually sett out by the said Dr, did amount only unto 8393^l 3^s; and whereas the said 8393^l 3^s the said Dr hath acknowledged to have received from the severall lists and regiments of the army, 5728^l 3^s being the full, and more then the lands sett out by him to the souldiers, did, at the said rate of one 1^d per acre, amount unto; and did further receive an order from the Councill for the collecting of a penny per acre upon all persons whatsoever that were not comprehended in the said Act, and were to have any lands satisfyed upon loose debentures, which accordingly was putt in execution by a standing rule in the office of the said Dr, and was the utmost that therefore could possibly be demanded by the said Dr, either according to the letter or equity of the said contract; the said Dr, notwithstanding the said full satisfaction ordered unto him as aforesaid, under colour of the said pence, and under an undue suggestion and pretence that the said 5728^l 3^s was by his contract to be made up by the Councill the summe totall of 8393^l 3^s, and without any other right, did receive in money, by warrant from the Councill, 2665^l, to make up the said summe of 8393^l 3^s as aforesaid, besides the further allowance of 421^l 10^s 6^d and 440^l 10^s 8^d, more then could upon any accompt strictly be required by him, and yett, not content with this wrong putt upon the Councill, did allsoe, upon the same pretence that still there was but part of the said pence paid to him by the army, and by colour of an order of the Councill, dated the 6th of March, 1656, which, referring to an order of the 11th of February foregoing, did respect noe such thing, claime and receive as a debt due to him the said 2665^l, soe actually paid, once againe, and 516^l more, that was unworthily forged and falsifyed by him, as appeares by accompts given in by himselfe, to the couisenage of the Commonwealth of 5846^l, and to the dishonest and inconscientious gaining and receiving to himselfe a payment and satisfaction, under pretence of one and the same thing, three times over.

7thly. That notwithstanding the severall unwarrantable practises of the said Dr, for the gaining of the chiefest and the richest land within the security of the

the army thus unjustly into his owne hands, yet such was the exorbitancy of the said Dr, and soe great was the covetuoseness of him, that he did further press the rest of his fellow Commissioners for to sett out lands to him to the value of 3696*l*^l, over and above all that had been before unduely gotten by him, and that without any authority or debenture, or valuable consideration whatsoever, that was offered by him, as appeares by the addresse it selfe of the said Dr, dated the 17th of Ffbruary last, in which, nevertheless, he soe farr prevailed, and, by the multiplicity of many intricacies and pretences feigned and devised by him, soe much amused the rest of his fellow Commissioners, and some others joyned with them (to whom the said address was referred), that they wholly agreed to the said illegall and unreasonable demand of the said Dr, making a report on his behalfe to the Councell, that he might have the said summe demanded by him, untill the said committee of the army ordered by the Councell to inspect the said Dr's satisfaction as afforesaid, by detecting some of the frauds that lay in the pretences of the said Dr, did putt a checque to the said proceedings.

8thly. That whereas many worthy and well affected persons, who aduentured their lives in the Commonwealths service, did obtaine severall orders from the late Lord Lieutenant and Councell, some for the satisfaction of their arreares, others for the reprizall of lands taken away from them in other places, uppon the satisfaction of which did depend the greatest part of their outward substance; the said Dr, without any respect to the State or compassion to the condition of the said persons, or regard to the honoures and command of the said Councell, contrary allsoe to all justice, and contrary to his duty and trust, did usually delay and tire out the said persons in exspectation, purposely raising severall objections and difficulties in discourses to them, to the end he might worke them to a composition with him, or unjust rewarding of him with allowing him a part of the said lands which ought to bee sett out to them, or by selling their debentures, orders, and interest at under rates to him, or by some other wayes of gratifyeing of him, to the horrible and unspeakeable wrong and oppressions of many persons, some of whome allsoe, if hating such a sinfull complyance, and out of conscience refusing to make soe unjust an agreement with him, have been highly affronted and derided by him, and have not to this day received that satisfaction that is due to them: the trueth of all which, in every of the particular circumstances of it, is ready to be proved upon oath by the testimony of many godly and conscientious persons of the army.

9thly. In like manner, whereas the Dr did receive great and advantagious rates for the survey and admeasurement of the said lands of the said souldiers, more then double to any that ever was given by the publicke, to the value in the whole of twenty-two thousand pounds, or thereaboutes, accompting what was due to him and wrongfully gotten by him; and did agree, on the contrary, with severall of his under surveyors for the performance of the said worke at much lower, meaner, and smaller rates then ordinary; yet after such agreements made att such disproportionate rates as aforesaid, such nevertheless was the greediness of the said Dr, after his owne particular profitts, without any regard to a good conscience, that he did frequently delay the payment of the said surveyors according to their agreements made with him, and represents severall objections and scruples to them, untill, by wearyng them with a tediouse attendance from time to time uppon him, he forced them to a composition with him, and to the abatement of considerable summes to him, and yett giving discharges for the full, to the great loss and damage of the said poor men, the particulars allsoe of which are ready to bee made appeare uppon oath by the testimony of many knowne and credible persons among them.

10thly. That whereas the said Dr, both as a Commissioner and as an undertaker for the survey, was obliged to observe severall rules and instructions that were given him, in order to the more speedy, equall, just, and secure settling of the army, and of the interest of the respective persons therein, the said Dr, slighting and neglecting the said rules and instructions of the Councill, hath, both as a Commissioner and undertaker for admeasurement, from time to time, and in severall cases, acted in a way altogether unwarrantable and arbitrary, to the dishonour of the Councill and prejudice to the Comonwealth, and to the damage of the just rights of many persons; the particulars of which are likewise ready to bee proved by the oaths and testimonyes of the said persons soe injured by him.

Lastly. Whereas by an Act made in the warr 1656, entituled, an Act, &c., for Attainder of the Rebells in Ireland, itt is therein expressly commanded and directed, that all books, mapps, plotts of survey, and other writings and things concerning the surveying, admeasuring, distributions, and disposing of the delinquents lands in Ireland, which was in the hands of any persons whatsoever, should, within three moneths after the publication of the said Act, bee brought into, lodged, and placed in the Exchequer of Ireland, there to remaine uppon record

record for the service of the Commonwealth, upon the penalty of 100^l, and imprisonment without bayle or maine prize, to whomsoever should doe contrary to the said Act; the said Dr hath not only kept all the originall plotts and surveyes of the said souldiers lands, and the duplicate of all bookees of admea- surement sent in by him, contrary expressly to the said Act, and that without any knowledge of or lycense and directions from the Councill there for his soe doeing, but still doeth keep and retaine all the said papers by him, together with the whole relating to the satisfactions and debt of the army, to the hazard of the Commonwealth interest, and dissatisfaction of the souldiery.

Ffor all which misdemeanours, wrongs, ffrauds, and other abuses of the said Doctor, done in high contempt of the authority of the lawes of this nation, and to the prejudice of many of the good people of the Commonwealth, your petitioner prayes the justice of this honourable board.

HIE. SANKEY.

Thursday, July the 12th, 1659.

Articles of high misdemeanours, frauds, breach of trusts, and severall other crimes, presented against Dr William Petty, by Collonell Hierome Sankey, were tendered to the Parliament.

Ordered by the Parliament,—That the said articles bee referred to the Commissioners for managing the Government in Ireland, to examine the severall particular misdemeanours, frauds, breach of trusts, and severall other crimes in the said articles charged and mentioned; and the said Commissioners, or any three or more of them, are hereby fully authorized to hear and determine the same.

THO. ST. NICHOLAS, *Clerk of the Parliament.*



N O T E S.



NOTES.

CHAPTER I.

Pages 1-8.

THE history of the Down Survey is the history of the most remarkable work of a very distinguished man, and forms an essential portion of his biography. It is also the closing act of one and the opening of another eventful chapter in the local history of Ireland, and this account of it by the author contains many authentic papers not before printed. They exhibit the obstructions and difficulties which beset the work in its progress, and the ingenuity, perseverance, and ability, with which they were overcome. Such are the lights and shadows of every great work.

The survey itself is well known, but a personal narrative of the author must always command an interest peculiar to itself. Sir William, then Dr. Petty, came to Ireland in 1652, as Physician to the Forces, and to the household and family of the Lieut.-General, and his reason for undertaking a labour so remote from the ordinary pursuits, and even from the usual studies of his profession, as a general survey of the country, may naturally be sought for.

In the "Reflections upon some Persons and Things in Ireland" he anticipates this question, and states that he "thought the whole work would have been over (as on my part it was) in about two years' time, so as to have proved rather an unbending than a breaking of that bow, wherein I aimed at natural knowledges." And, "that the measuring of as much land-line, by the chain and needle, as would have near four times begirt the whole earth in its greatest circle, and to have such an admeasurement remain upon record, and that to have performed such a service (being useful to all mankind) for a victorious army, the first that ever totally subdued Ireland, would have been as great an honour as any other achievement I could make in so much time; and the rather, because I should thereby convince many worthy persons, that what they were told to be above seven years' work, might (to their great accommodation)

tion) be dispatched in one ; and that the same noble army might not be abused by an absurd and insignificant way of surveying, then carrying on by Mr. Worsley." And again, " I thought that, besides the ordinary reward agreed me, I should have received monumental thanks ; not considering that too great merit is more often paid with envy than with condign rewards." And that, " by attempting new difficulties, to have stretched my own capacities and intellect; the which (like leather on a last) is not only formed and fashioned, but much extended by such employments." And, " I hoped hereby to enlarge my trade of experiments from bodies to minds, from the motions of the one to the manners of the other; thereby to have understood passions as well as fermentations, and consequently to have been as pleasant a companion to my ingenious friends as if such an intermission from physic had never been ; for you see, Sir, how by this means I have gotten the occasion of practising upon my own morals, that is, to learn how, with silence and smiles, to elude the sharpest provocations, and without troublesome menstruum to digest the roughest injuries that ever a poor man was crammed with."

In the first page of our history he shows, that he was far from inactive in the duties of his professional office (which in his will he states that he continued to hold till June, 1659); that he was able to introduce valuable economic reforms into that department, and to follow also the private practice of his profession, for which he states in the Reflections that he " forbore to take fees, for fear they might be intended to bias my actings in my other trusts and capacities."

In this account of Dr. Petty's first connexion with the survey, it is not necessary to follow the acrimony with which he comments upon the undertakings or performances of his predecessors; but the faults to which he adverts, and which he proposed to remedy, were, that the payment was excessive, that there was no mode of examining the work, and no security for its correctness.

If, as would appear by the context and by what follows, the survey consisted merely in measuring the outline and giving the content of the several estates which were returned by the civil survey as forfeited, and that the payment was made in proportion to the area, while only the perimeter was measured, it is obvious the payment would increase in a much higher ratio than the labour, and the greater the necessity for examination and test, the more difficult they would become. It would also appear, that the survey of unprofitable land, not being required by the Act, was not paid for. This, doubtless, exposed the surveyors to the temptation of increasing their estimate of the quantity of profitable land. It will be seen that Dr. Petty was paid also by content, *i. e.* per 1000 acres, and that, though he was paid for the unprofitable land also, it was at a lower rate. This would present the same temptation in a smaller degree, but the different nature of the survey, and of his payments to his surveyors, will be seen to afford a sufficient preventive. The delivery to the claimants of their land by mere estimated subdivisions, would have been uncertain and unsatisfactory, and there can be no doubt that a survey made according to these intentions, would have been very imperfect, even for its own purposes, and, containing no topographical information of a general nature, would have been useless as a map.

CHAPTER

C H A P T E R I I.

Pages 3-15.

THE report of the Committee of Survey, dated 11th May, 1654 (pp. 4, 5, and 6), shows the basis on which Mr. Worsley was then working, and defines the course he had to follow. It provides, in three preliminary recommendations, for ascertaining the lands to be surveyed, and defines in six articles the kind of survey required; by which it is clear that a survey by estates is what the Committee considered necessary, no territorial boundaries being required; and that barren land was not to be surveyed unless lying within profitable land, and then only for the sake of being excluded from it, such land, whether so situate or beyond the mearing of the estate, having to be "cast in." A seventh clause fixes the payment at forty-five shillings per 1000 acres, for all land surveyed according to these instructions. The two remaining clauses (which are incorrectly numbered in the manuscript), defer the survey of Church and Crown lands, and lands not forfeited, as also of lands claimed by English proprietors, or in controversy.

It does not appear that Mr. Worsley was the author of these instructions, or responsible for their imperfections, further than that he may have been an individual (perhaps *ex officio*) member of the Committee. They appear to have replaced a still more imperfect system on which he had been working, viz., merely measuring the surrounds of whole baronies, for which the payment was by the thousand acres also. Of this earlier work, the Grosse Survey, only a few fragments remain, and they are confined to the terriers or lists of lands, with brief descriptions. The maps, if any were completed, are wholly lost. And even for the imperfection of that work it would be harsh altogether to condemn Mr. Worsley, who was guided by the original ordinance, and probably acted under the orders of persons desirous only of haste, and regardless of the quality of work produced, though so largely interested in it. Such is commonly the case, and it required the commanding mind and determined energy of a man like Petty to frame a better system, and afterwards to carry it out, as will be amply seen by the subsequent narrative of his own proceedings, frequently, however, leading him to regret he had ever embarked in the work at all.

In the report from the Committee of the 24th September, 1654, at pages 8 and 9, we have the Doctor's objections as urged by himself, and his offer to remove them by a more perfect work. The opening paragraph of this offer contains the substance of the whole improvement in a few words. To survey mere barony boundaries, as was first designed in 1653, or estate boundaries only, as subsequently recommended by the committee of May, 1654, was obviously insufficient for the purpose. The barony was too large a space to be subdivided with any accuracy, except by subsequent survey, and the old estate boundaries were not to be adhered to in the ultimate partition, the whole unforfeited land being the space to be subdivided. Dr. Petty's proposition solved the difficulty at once, by the simple means of surveying all known territorial boundaries, all the natural divisions of the country, whether rivers, woods, bogs, or other; in fact, to make a general map of the forfeited lands in the three provinces,

and by that to set out such auxiliary lines and limits as should enable the ultimate subdivisions to be made without additional surveying. That he might not appear to supplant the former surveyors, or deprive them of their reward, he consented to pay them for all they had done, so far as he could make use of the same, and to execute the whole work for £30,000, or £6 per 1000 acres, thus appearing to estimate the probable amount of forfeited land at five millions of acres.

The boldness with which he undertook to bind himself, by pecuniary responsibility, to perform this immense work in thirteen months, may well have startled, "gravelled," as he calls it, all opponents. It would have been the extreme of rashness in an ordinary man, but was doubtless justified by that self-dependence and confidence which such a man as Dr. Petty well might feel in himself and his own powers. He had discovered the great principle of division of labour. The mind was yet young, which in later life produced the Political Arithmetic, Political Anatomy, and other works of the like nature, making him almost the founder of what we now call political economy.

In a manuscript called a "Briefe Account of the most materiall Passages relatinge to the Survey, managed by Dr. Petty in Ireland, Ann. 1655 and 1656," preserved among the papers of the Down Survey, in the Record Branch of the Office of the Paymaster of Civil Services in Dublin, and printed with the preface to this volume, he details his arrangements. It is extremely curious, and deserves careful perusal. It was the good fortune of the editor, nearly 200 years later, to see similar foresight and arrangements exercised on a far larger scale in another survey of Ireland, by one who possessed many of the qualities which distinguished Sir William Petty, and who also succeeded in carrying his great work to a successful close, under circumstances and obstructions, many of which bear a striking analogy to those which this history will show to have attended the Down Survey. This may give the narrative a peculiar value to those who are conversant with the more modern survey, but it will show to all, the importance, nay, necessity, of clearly scanning a work as a whole before entering upon it, and that similar circumstances will perhaps, in all ages, produce similar measures, though each be perfectly independent of the other.

The remainder of this chapter exhibits great jealousy, or perhaps, it may be charitably hoped, extreme caution, on the part of Mr. Worsley, to which is attributed a reference of the subject to another Committee, which, however, ended satisfactorily, as its report fully confirmed that of the former, in recommending the adoption of the Doctor's proposals. Dr. Petty's remarks, here as elsewhere, in regard to the surveyor-general, must be read with a knowledge that Mr. Worsley afterwards joined with the Doctor's great enemy, Sir Jerome Sankey, and that this history was not written till after the close of the litigation between them, which may be supposed to have embittered all his recollection of Mr. Worsley's earlier measures. The objections being "clandestinely made;" the nomination of friends of Worsley's to the second committee; the "business of Carricke," and other personalities, of the 11th page, bear marks of anger which would have been better omitted. They, however, show the difficulties which beset the work from its very commencement, and are perhaps necessary as a prelude to much which is to follow. The difficulties indeed were only such as most men

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who dare to move in advance of their contemporaries, or their day, are sure to experience. The Doctor's proposals, however, were ultimately accepted, and the committee of officers embodied them into six articles, which they recommended to be made and concluded. They also stated, that the old surveys have appeared on examination to be of very little use to the Doctor's undertaking, and therefore ought to be paid for either by the State or the purchaser, and consent that one penny per acre be paid for that purpose by the army, in addition to the "£3 per thousand *formerly proposed.*" There is some obscurity in this, unless it was a payment formerly proposed to have been made to Mr. Worsley for the estate survey, of which there is no mention, or that the Doctor made another offer in accordance with the Act, which will be adverted to in the notes to the next chapter, nor is any light here thrown on it by the context.

Dr. Petty's offer was £6 per 1000 acres. The payment of £3, with one penny an acre from the army, or £4 3s. 4d., per 1000, making up £7 3s. 4d. per 1000 acres, was the payment afterwards recommended, and finally contracted for, with the Doctor, in regard to the forfeited profitable lands. The Church and Crown lands subsequently thrown in, from which there was no such contribution, were to be surveyed for £3 the 1000, as were also the unprofitable lands. A set of barony and county maps, for which he was to receive £1000, was also to be made, the more full details of which several works will be subsequently found in the articles of agreement.

The order "By the Commissioners," &c. &c., at page 7, is only a repetition of the order in page 4, but it recalls attention to the circumstances, and is printed because it occurs in all the manuscripts.

"Chergeticall," page 7, line 20, is the same in all the copies; no meaning has been discovered for it. In the King's Inns copy there is a pencil note, suggesting that "energetical" may be the word intended.

The word "ingenuously," page 7, line 22, is "ingenuously" in the Lansdowne manuscript.

The obscurity of the paragraphs relating to payment, in page 15, is increased by the want of a comma after the word "proposed," in line 11.

C H A P T E R I I I.

Pages 16-18.

In this chapter Doctor Petty again meets the objections of Mr. Worsley, and answers them, as it would appear, before the council.

Among other things he speaks of the survey of Connaught during the government of Lord Strafford, which survey has been known by his Lordship's name, and will be again adverted to hereafter. The paragraph in page 16, indicates the mode in which it was paid for, and it is to be remarked that he speaks of Connaught having been, at the time of its survey, "a well-planted

planted and accommodated countrey." This, however, was probably only for the sake of contrast with the state of that in which he was to work, which had been so recently the theatre of a desolating civil war, and was from that cause, perhaps, more especially "overgrown with rushes, shrub-wood, bog, and other impediments."

The rate at which the Strafford Survey was paid for is not now known, but in regard to the payment "allowed by the Act" for the present work, it is set down by the "Instructions" appended to the Act, at £3 per thousand acres to the surveyor, with a salary of £400 a year to the surveyor-general.

"The adventurers give much higher rates." It is not known what the adventurers paid at this time, but much, if not all their work, was afterwards performed by Petty and Worsley, and the subsequent acts of settlement and explanation condemn the adventurers' surveys altogether, while admitting the Down Survey as conclusive evidence.

Of the offer made by Dr. Petty to survey the Church and Crown lands for £2600, there is no other record.

The Doctor also, at the instance of his opponents, is urged to "discover" to the council the manner in which he intends to execute his extraordinary proposal, for such, no doubt, it was, and he does so with the proviso that his security be lessened if it be found satisfactory. He then explains the division of labour, which will be found more fully developed in the "Brief Accompt" already referred to. His instruments were, for the most part, manufactured under his own direction. He employed artists in the office, computers for calculations,—and upon the field-work, "it being a matter of great drudgery to wade through boggs and water, climb rocks, fare and lodge hard," &c., he "would instruct foot soldiery, to whom such hardships were familiar." This was a notable violation of precedent, and was afterwards dwelt upon.

C H A P T E R I V.

Pages 18–30.

FRESH obstructions continued to arise, "even," he says, "as my wiser friends had forewarned me." Among others, the former surveyors presented a remonstrance, on which Dr. Petty was again summoned to the council-chamber, and required to answer it. After which the Surveyor-General, who he calls here the "Generall of the Surveyors," again appears to lead the host in opposition, when once more the Doctor is called before the council to answer the charge of intending to employ soldiers to measure "their owne and officers lands," which "would be scandalouse." This objection was easily satisfied. They were to be surveyors, not distributors, and could not know to whom any land would fall; and as their work would not be protracted by themselves, but by other persons in the office, they would only be answerable for the correctness of their measurements, which would be subject to independent test,

test, and such assistants could be readily obtained in any numbers without waiting for others. He then very reasonably claims the right, as he is responsible for the work, to choose his own hands for performing it. Next it was objected that he was about to employ papists ; to which he replied, that it was no more dangerous to have the measurer a papist than the man who pointed out the boundaries (the meresman), who, for the most part, must be so.

Then the Provost of Trinity College prohibited his employing the scholars of the College. After which, as a climax, Mr. Worsley proposed, that all surveyors to be employed should be examined, in the first instance, by him, and that all the office parties should be paid by the State, "to remove their dependence on the Doctor." These propositions would have been fatal to his due authority, and he accordingly met them boldly, by denying the competency of Mr. Worsley to examine the surveyors ; by proposing, if the former surveyors were to be examiners, he should himself be allowed to examine those surveyors before the council ; and, by remarking that if soldiers were not proper to be employed in the survey, neither were their officers (which Mr. Worsley's superior assistants were) proper judges of the surveyors.

This appears to have satisfied the council, who accordingly order, that it be referred to the Attorney-General, the Commissioner-General of Revenue, and the Surveyor-General, to consider of the articles prepared and agreed upon between the council of officers and the Doctor, and to draw up a legal contract.

On the 11th December, "after a solemn seeking of God, performed by Colonel Thomlinson," the articles of agreement, nineteen in number, were completed ; and, on the 25th December, 1654, ratified by the remarkable signature, among others, of Miles Corbet, who then resided at Malahide, that ancient castle and lands having been granted to him, and, till the Restoration, diverted from an unbroken descent in the ancient line of the Talbots, who, with the exception of that brief interval, have held it from the time of the Normans to the present day. On the same day, the 11th December, on which the articles were agreed to, it was resolved, at a council of war held at Corke House (which stood near the Castle Gate, the name being still retained in that part of the street called Cork Hill), that the army should contribute the penny an acre before adverted to, of which one-third was to be paid forthwith, the remainder after the survey should be completed, and possession given.

The articles, it will be seen, are in conformity with the Doctor's proposals, and the recommendation of the committee. They enjoin a survey of all forfeited lands in the ten half-counties mentioned in the Act of the 26th of September, 1653, for the satisfaction of the adventurers and soldiers, viz. : Limerick, Tipperary, and Waterford, the King's and Queen's Counties, Meath, Westmeath, Down, Antrim ; and Armagh; also within the counties of Wexford, Wicklow, Kilkenny, Kerry, Longford, Cork, Kildare, Tyrone, Londonderry, and Donegal, "which shall be set out as satisfaction for the arrears" of the soldiers; also, "all forfeited, not yet disposed of or set out" in Dublin, Carlow, and the remaining part of Cork ; and of all Church lands and Crown lands.

In explanation of these clauses it is necessary to mention, by reference to the Act before quoted, that at the breaking-out of the rebellion in 1641, an Act of the Parliament of Charles I. (17 Car. I.) declared the lands of the rebels forfeited, and called for contributions

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in money from all persons willing to assist in quelling the rebellion, such contributions to be secured on the lands forfeited, at a certain rate, viz. :

1000 acres in Leinster for £600.
" Munster for £450.
" Ulster for £200.

In redemption of this, after the rebellion was finally quelled, the Council of State, on the 1st of June, 1653, appointed a commission, which was to sit at Grocer's Hall in London for this purpose, as related to the money so advanced by the "adventurers;" and another on the 22nd of the same month, to the Lord Fleetwood and others, to sit in Dublin for the same purpose, as related to the army, which was also to be paid its arrears in lands. Of the latter there were various classes of claimants: those who had served since 1649; those who had also served before that time; those who had been already disbanded and settled on lands; the widows, maimed and wounded soldiers, and some others. For these purposes, by the Act of 26th of September, 1653, the forfeited lands in the ten counties first-named were set apart: one moiety for the adventurers, the other for the soldiers. If these proved insufficient, the county of Louth, with the exception of one barony (Ardee), was to be included; also the land bordering the coast in Connaught, beginning from Sligo, within four miles of the sea and the western bank of the Shannon;—the "transplanted" persons, who, from the other provinces, were removed into Connaught, being excluded from that belt, and confined to the interior;—and finally, if these proved insufficient, all other forfeited lands were to be made available for these and the various other "publique" debts, with certain precautions and reservations. This, with the addition of the Church and Crown lands, and subsequently the adventurers' moiety of the forfeited lands, led to the long list of counties embraced in the Down Survey, which ultimately extended over the greater part of twenty-nine counties.

All these, when profitable, were to be surveyed, showing the lowest denominations known in the several counties, as plough lands, townlands, &c. When unprofitable, less rigour was exacted, and by a subsequent article the Doctor was to survey and protract separately the bounds of all the baronies within the before-mentioned counties: "That perfect and exact maps may be had for publique use of each of the baronyes or countyes aforesaid." These conditions were doubly useful. The townland boundaries were then, as now, generally the boundaries of properties, therefore of forfeitures, and frequently of grants; by which separate measurements for those purposes were rendered unnecessary, and the whole furnished material for a general map.

The articles are also rigid and exact as to the delivery of plots and field-books, and define the amount of security and mode of payment, all in accordance with Dr. Petty's propositions and previous agreements.

CHAPTER

C H A P T E R V.

Pages 31-42.

The articles being duly ratified, Mr. Worsley discontinued the former surveys, and discharged the persons employed upon them. Dr. Petty completed his securities, and warrants were issued:

- 1st. For men to show the meres.
- 2nd. For abstracts or lists of the lands to be surveyed.
- 3rd. For access to such records or surveys as might be of use.
- 4th. To appoint a committee of officers to consider how the said work might be begun, and proceeded upon, as to the final subdivision.

The second of these was obviously the first to be executed in order of time. The warrant of the council on the subject is dated 20th December, even before the articles were formally ratified. The commissioners of civil survey were appointed under the commission from the council of state of June, 1653, confirmed by the Act of 26th September following, for the purpose of ascertaining what lands were forfeited, and what extent of land, in each case, with a view to the transplantation into Connaught, and the setting out of the forfeited lands among the adventurers and soldiers.

The duties of these commissioners, and the classes of claimants called adventurers, soldiers, officers, &c., are so clearly described by Mr. Hardiman, in the Appendix to the Fifteenth Report of the Record Commission, that it is only necessary to refer to that able paper for full elucidation.

In the recommendation of the committee under which Mr. Worsley had begun to act (see page 4), it was recommended, that the surveyors should ascertain the forfeitures themselves, by aid of juries, in the several counties. It is probable that, at that time, the commission of civil survey was but little advanced, and it will be seen that the delay and uncertainty with which the preliminary information was furnished to Dr. Petty, operated prejudicially to his labours. The time for completing the survey ought, therefore, in strictness, to have dated, in each locality, from the delivery to Dr. Petty, of the lists, or terriers of lands to be surveyed. As this delay was not foreseen, and therefore not provided for in the articles of agreement, he was exposed to difficulties he had no adequate means of meeting. In order to a clear understanding of the civil survey, and gross surrounds, which were to be executed under the original commission, an example of the instructions issued to the persons employed in them is given in the Appendix.

The next warrant, the execution of which was necessary, was, to provide persons to show on the ground the meres and bounds of the lands contained in the return of the civil survey. These persons ought, if possible, to have been nominated by the civil survey commissioners, for the mutual security of the Commonwealth and of Dr. Petty, that the lands surveyed were those described by the Commissioners. This may have been impracticable, and the surveyors,

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by delegation from the Doctor, were accordingly authorized, by an order of the Lord Deputy and Council, dated 20th of December, 1654 (which occurs also at p. 39, dated 12th of April, 1655), to "cause fitt and able persons" to show them the metes and bounds. This power is given in the same order with that which enables them to take carriages and horses, and to obtain billets or lodgings, paying at rates to be fixed by the commander-in-chief of the district. It will be remembered that many of the surveyors were soldiers, and these powers will be found to correspond with those of the Mutiny Acts of the time, which are retained to the present day, but with the important difference of the civil magistrate being now the arbiter, instead of the local military authority. It may be remarked, that, taking into account the relative value of money at that time and at present, the wages were extremely good.

The third authority, viz., for access to records and papers, is contained in the same warrant as the direction to the commissioners of the civil survey, and was easy of execution.

The fourth, the appointment of a committee of officers, is perhaps the most important of all. Dr. Petty may probably be considered as in reality speaking through them. Their report is not dated till the 25th of December, the day on which the articles were ratified, and it is directed to the points on which difficulties were to be apprehended, viz., first, as already adverted to, the ascertaining what lands were to be surveyed, on which subject the order in council had already issued, enjoining the lists and abstracts to be furnished with all convenient speed. In this recommendation a definite period of thirty days is named, and the approvals of the court of claims and of the Surveyor-General are interposed, to insure correctness. In the order of the 20th the lists were included with other records. They are here looked upon as a distinct and guaranteed authority for the survey. This would fix on the Surveyor-General any delay which might occur on points beyond Dr. Petty's control, or, by making him cognizant of it, prevent his pleading it afterwards as breach of contract on the Doctor's part.

While Dr. Petty saw this difficulty, he was also alive to one still greater, viz., the subdivision among the soldiers of the lands after they were surveyed, to which the remaining recommendations are directed, and there can be little doubt that it would have been better to have viewed it from the first as a separate operation. This, probably, the impatience of the governing power, which was virtually the army itself, would not allow; and in these recommendations, accordingly, we find provisions, which, if fulfilled, would remove the difficulty, or if not fulfilled, would remove all blame from Dr. Petty. In fact, the Doctor's contract was to survey, to map, first, the total and detail of the lands forfeited, which could not be done till they were pointed out to him, and then the portion of each individual, which could not be done till their claims were ascertained; and it will be seen that nearly all his difficulties and heart-burnings arose on these points. The survey itself was rendered comparatively easy by his foresight and arrangements, and it was an operation peculiarly suited to his analytical turn of mind, and methodical habits. The stern determination by which he controlled all under him, and the force of will and energy to which all around him gave way, were, however, severely taxed in the progress of the work, more especially on these latter points.

On the instructions given to Dr. Petty by Mr. Worsley, the Doctor makes no comment. They appear, however, to be very carefully considered and drawn up, and do not justify the low

low estimate of that officer's abilities, to which the general tenor of the narrative would lead us. They indeed do not exceed what Dr. Petty had offered and undertaken, but they are methodical, concise, and well arranged, and provide for a very complete and sufficient work; showing that the Surveyor-General knew perfectly well what the survey ought to be, however short of such a mark his own operations, undertaken on the recommendations of the Committee of 1653, would have been, and still more, the earlier operation superseded by those recommendations.

Nothing is more to be admired throughout this narrative than the entire frankness and unreserve with which Dr. Petty places on record the full particulars of every transaction which has been deemed questionable. We have an instance of this in the present chapter, in regard to Sir Hardress Waller. Sir Hardress was an officer of high rank and great influence. This was all to be exerted on the Doctor's behalf, and although he states that Mr. Waller, the son, was never in reality employed, it is clear, from the agreement of the 18th of December, pp. 33, 34, that in fact a portion of the survey was to be given over to Sir Hardress, who, paying one-sixth of the expense, was to have one-sixth of the profit. This partnership of a high public officer with his own contractor, at least in a contract made on his own recommendation, would not be tolerated in our days, but at that time it may have been viewed differently by public opinion. Even then, indeed, we find Dr. Petty, in his closing paragraph, states that this arrangement was never carried out by Sir Hardress, that he might not "give any occasion of men's thinking, he would patronize him in anything not justifiable."

C H A P T E R VI.

Pages 42-46.

WHILE the arrangements which ought to have been preliminary, were yet under discussion, Dr. Petty began the survey of some of the forfeited lands near Dublin, doubtless with the view of training his assistants under his own eye. This led to the discovery of a new difficulty not provided for in the contract, viz., that many of the spaces to be surveyed were less than forty acres, which by his contract he was not strictly bound to do. It might indeed have been inferred, that such insulated spaces were in equity included in the third and fourth articles; but on this point, as usual, he differed with the Surveyor-General, and it was thought better to appoint a committee of officers to determine, "any question, difficulty, difference, or controversy, which might arise, to obstruct or retard the progress" of the work; which in this case decided, that if the small parcels upon which the controversy arose were measured, the distinction into forty acres should be dispensed with. To which was added, in regard to the delay which had taken place, "that the thirteen months should date from the 1st of February instead of the 11th December;" with another decision relating to the repay-

ment of advanced moneys. These modifications were favourable to the Doctor, but they were only reasonable.

Throughout even this comparatively unimportant transaction, there is a tone of banter and of triumph towards Mr. Worsley, which one cannot but regret. He speaks of Worsley finding himself " overseen" in making the contract as to " this point;" of his having of mere joke led Mr. Worsley to recommend to the committee an arrangement by which he (Worsley) should himself become the " examinator-general" with a salary, with a totally new agreement for the work, in which of course he was not serious, and which he describes as lost only by a jocular remark. He appears in this, as throughout the narrative, to have felt so strongly his immeasurable superiority to those about him, that he used them, and boasts of using them, as mere tools; always, however, to accomplish a good end. This bearing doubtless gave offence, and raised him many enemies who eagerly watched for the opportunity of the small revenge of opposition, and, smaller still, of detraction. There was much, however, of good humour, to use a common word, fun, in many of his remarks, which show another side of his character, vehement and energetic, but still borne onward and upward by temperament. Spurning at obstructions, and never doubting his powers and ability to conquer, he made enemies, and neglected them.

C H A P T E R V I I .

Pages 46-53.

We now come to the definite point of the instructions drawn up by Dr. Petty for the guidance of his surveyors. They are in accordance with his offer, his contract, and his own instructions from Mr. Worsley, and very concisely and clearly expressed, distinguishing the field duties from those to be performed in the office, as explained by him to the council (see p. 17).

It will be seen that they relate chiefly to the distinctions to be observed, and the magnitude of spaces to be surveyed or estimated, of forfeited and unforfeited, profitable and unprofitable lands, as they lay interspersed among each other respectively, with directions for correctly ascertaining the boundaries; but they do not describe or enjoin any particular mode of surveying. He appears to have adopted the mode, common at that time, of merely traversing by bearings and distances, with a compass and chain, and protracting on sheets of paper, divided into squares of known dimensions, from the summation of which the area was obtained, instead of computing the area from the field-books themselves. By this means the correctness of the result was limited to the correctness of the protraction, instead of being deduced directly from the ground, with the protraction interposed merely as a test.

In his explanation to the Council, indeed, at p. 17, he takes credit for " exterminating the use of triangles and intermixt multiplication in the casting up of the superficial content, having

ing thereby much facilitated the whole processse of surveying." This is not very clear, as there is no other reason to suppose the former surveys were performed by the mode we should now call content-surveying, and it probably refers only to another mode of calculating the areas from the protraction.

Dr. Petty's merit in this respect consisted, not in devising a new mode of surveying, but in availing himself of the means and men he found about him, and organizing a system by which large numbers, "the ministry of about 1000 hands," see p. 295, could be simultaneously employed in different branches of one great survey, instead of separate parties or persons, each completing every branch of a number of small surveys.

The Doctor appears subsequently to have seen the danger of relying on work performed by the needle, as in his Political Anatomy, written some years later, he writes : "The ad-measurement of land in Ireland hath hitherto been performed with a circumferencer, with a needle of three two-thirds long, as the most convenient proportion, but twill be henceforth better done by the help of some old geometrical theorems, joyned with the new property of a circle demonstrated by Dr. R. Wood."

Dr. Wood was Master of St. Paul's School in London, and the author of some papers in the early Transactions of the Royal Society, but it is not known what particular property of the circle is here referred to as demonstrated by him.

It is worthy of notice, that about the date at which the Down Survey was performed, there was but little magnetic variation in Ireland. The needle, by computation, pointed due north in Dublin in 1657. This would not afford any peculiar facility for the survey, but might tend to prevent error, both in the field-work and protraction, by careless hands.

In the Record Branch of the Paymaster of Civil Services' Office, there is a book, supposed to be one of the original field-books, and Dr. Petty in his will enumerates original maps and books as among the muniments preserved with his papers. It will not fail to be noticed that in the latter part of these instructions, the Doctor looked beyond the map of forfeitures, and contemplated a more general application of the knowledge to be obtained in a general survey. He had not yet begun to dwell on the studies which afterwards led him to political economy, nor, perhaps, to contemplate the descriptive memoirs which he afterwards began to collect, but the breadth and depth of highways and rivers, their falls and islands, the circumstances of navigable rivers and harbours, course of channel, place of sands and shelves, are all collateral, indeed additional, to the immediate objects of the survey, and indicate a mind aiming at much which was beyond. He alludes to these additions at page 123, where he states that "observing some omissions in his contract, on the states behalfe, he gave out instructions to the respective instruments acting under him, as he humbly conceives, far more large and comprehensive than those contained in his owne contract."

He long afterwards clung to the hope of making a general map. In 1665 we find him petitioning the King for "assistance to finish the Map of Ireland," and in his Political Anatomy (page 341, Dublin Edition), he writes that, "at his own charge, besides those maps of every parish, which by his agreement he delivered into the Surveyor-General's office, he hath

caused maps to be made of every barony or hundred, as also of every county, engraven on copper, and the like of every province, and of the whole kingdom."

The "other instructions," page 48, which relate chiefly to the office work, are equally clear and judicious, and some of their particulars are worthy of remark. The first is susceptible of illustration, a few of the rough plots remaining still, with the other Records, in the Paymaster of Civil Services' Office. They are on sheets of squared paper, graduated at the edges for protraction, obviously printed from engraved copper-plates, bearing date MDCLXIIII, and the name H. Sutton, well known to all who are familiar with the instruments and mathematical works of that time. The barony maps being on such a scale as shall keep them on a single sheet of paper, is similar to the practice of the recent Ordnance Survey, in which the County Index Maps were, in like manner, made on such scales as should bring each within a single sheet, for the obvious reason that if they were on such an uniform scale as should make any of them extend over more than one sheet, an index to the index would become necessary, and if the scale of the largest county were adopted for all, the smaller counties would be insignificantly small.

The precaution in the fourth section, of having the check-work performed by people who were paid by the day, was most judicious, and is the only safe way in which contract or task-work can be effectually proved or tested. It will be seen hereafter, also, to have been adopted by Mr. Worsley in examining the survey as a whole, before the work was finally received by the State. The separate survey and protraction of common boundaries, enjoined by the sixth section, was a palpable and simple check, one indeed at which surveyors are very apt to repine, but which it is never safe to abandon for any clamour for saving of time. The precautions of the seventh section are all efficient and good. The eighth section provides that the meeresmen should, as far as possible, be those employed by the Civil Survey Commissioners. If it had been practicable, this should have been imperative, and they should have been appointed on the part of the Commissioners, as before adverted to. It is easy, however, to see that other difficulties might have arisen from that course, and this instruction probably meets the antagonist evils as well as was practicable. Generally, in regard to all, nay, to each and every of them, it is not beside the subject to say that there is not one of these precautions which was not found indispensable on the similar work of the Ordnance Survey, and it is even more remarkable that clear directions on the same points were laid down also in the similar instructions prepared by the able director of that work, Colonel, now General Colby, who, it is needless to say, had never seen or heard of the archives and documents we are now consulting and printing. Many of the instructions of Dr. Petty and Colonel Colby might be printed in parallel columns, so remarkably have the same circumstances produced the same results, from minds very similar in some respects to each other.

The paragraph at the bottom of the fifty-second, and top of the fifty-third page, refers to a separate survey of the adventurers' lands, thus alluded to in the "Reflections." "Moreover, never was better security taken by oaths and bonds, nor ever more prudential cautions used in any former survey, insomuch that nothing could be added even by (more nice than wise),

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Mr. Worsley himself, in the following survey of the adventurers; nor were any artists admitted by him to work upon that subsequent undertaking, but such as had been formerly employed on mine." This work was performed jointly by Mr. Worsley and Dr. Petty, for which the order will be found in the Appendix. It is alluded to again at pp. 127 and 136.

In this chapter, at page 47, line 7, "forced" is "forfeited," in the Lansdowne Manuscript.

C H A P T E R V I I I.

Pages 54-62.

THIS Chapter contains an official report on the Strafford Survey of the county of Tipperary, which may, perhaps, be taken as an example of the much larger portion of that work, which extended over the whole province of Connaught; and it possesses a peculiar value, as, from the almost total destruction of the maps and documents of that survey, by fire, in 1711, it is the only account of any importance which remains.

The survey would appear to have been made with great care, and to have been by far the most valuable work of that nature which had then been performed in Ireland. On that account the destruction of the maps and books was a serious loss, as, in consequence of Connaught having been originally excepted from Dr. Petty's work, it was the only detailed survey existing of that province.

It has indeed been doubted whether the Strafford maps of the county of Galway were ever made, or at least completed, and but few surveys in that county were afterwards made by Dr. Petty. It will be observed that none are noticed in this Report, and, except the surveys of towns, no notice now remains of any among the few fragments saved from the fire, and preserved among the valuable records in the Paymaster of Civil Services' Office. It will be recollectcd, also, with what difficulty, and at how late a period, Lord Strafford succeeded in his effort to establish the "Title for the King" in that county. There are, however, estate maps in the possession of several families still residing there, which are traditionally believed to be duplicates of Strafford's maps, and Dr. Petty appears to have found sufficient materials for his small county map, subsequently engraved. Among the many curious volumes in the depository above referred to, is one of the Barony-Books of Tipperary, described by Worsley in this Report, page 55, identified, by bearing the same figures and certificates, with its original "parchment" cover still remaining.

It had been agreed that the Doctor was to make use of this survey of Tipperary, so far as it should prove available; and the order of Council, of 14th May, directed that the documents relating to the baronies which were to be set out for the satisfaction of the army, should be given over to him. To the commissioners' order of the 22nd of the same month, therefore, at page 54, we owe the report here given of the whole county.

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The books of reference appear to have been complete, and properly vouched ; and the maps to have consisted of parishes surveyed, in outline, by townlands, condensed into barony maps, and these again into a county map. They do not appear to have contained any topographical information of a general nature, but to have shown the situation and quantity of arable, pasture, and meadow, while they are, nevertheless, stated to have been deficient in information as to the relative value which different parts of the wholly waste or unprofitable, bore to the good and profitable land. This latter objection may be thought somewhat hypercritical. It required, in fact, the word "improvable."

In regard to the names of baronies, in page 55, it is to be observed, that some of them are not now recognized as baronies ; Kilnelonger being included in Kilnemanagh, and Mulrian in Owney and Arra, which at present form but one barony instead of two, as here given. Mulrian, indeed, in the curious original volume above mentioned, is even there called " Owney Mulrian."

It may not be out of place here to quote a clause of an ordinance of the Protector's Council, of the 16th June, 1654, in regard to the names of baronies in the Down Survey and Distribution:

" And be it further ordained and established by the authority aforesaid, that all and every city and county, or county and city, city and liberties, town and county, half-barony, territory, franchise, liberty, parish, town, place, or land which is returned among the baronies, or for, or as a barony, (on the abstract of the surveys or estimate, made concerning the ten counties appointed for the said soldiers and adventurers), shall, as to the division, subdivision, and enjoyment thereof among the said soldiers and adventurers, and every of them respectively concerned, be deemed and taken to be as the same are returned in the survey, although the same then were not a barony, or were in another county, or were a county franchise, or liberty of itself ; and that all counties, baronies, and places returned or certified in or by miswritten or wrong names, shall be enjoyed by those whose lots are or shall be on such counties, baronies, or places, as if they had been returned or certified by their true and proper names."

Among the valuable records in the custody of Sir William Betham, there is a memorandum of an order from the King (Charles II.), stating that the " barbarous and uncouth names of places" in Ireland, much retard the reformation of the country, and directing the Lord Lieutenant and Council to change such names into others more suitable to the English tongue, annexing the ancient names in every grant so altered. This appears to have been subsequently embodied in the Act of Explanation, of which it forms the last clause.

Few persons will now be found to regret that the change of names thus authorized and ordered, was not generally carried into effect ; but in reference to the subject it may not be out of place to refer to the orthography of the names engraved on the maps of the Ordnance Survey, for which the different spellings and *alias* names of every townland were collected from all accessible documents, some (where the names were ancient) of very great antiquity ; and finally, local inquiry and examination were made by an Irish scholar on the spot, to render the name ultimately adopted as nearly as possible consistent with the ancient orthography. This information being all classified and arranged in proper descriptive books, forms a large collection of documents, which, being preserved with the records of the Survey, may be at any time

time referred to or published; and as there is scarcely any more fertile source of confusion than uncertainty of nomenclature, it may be hoped that, as the boundaries of the Ordnance Survey are recognised by several Acts of Parliament, the names now engraved on the authorized maps of that Survey may also become generally adopted in all legal and authentic papers.

To return, however, to the Strafford survey of Tipperary. On receiving the maps and books, Dr. Petty, with characteristic caution, weighed the expediency of availing himself of them, or discarding them altogether. There will be little doubt among persons conversant with such subjects that it would have been far easier and more satisfactory to have surveyed the lands anew than endeavour to amend and make the old documents available. Such appears to have been Mr. Worsley's conviction when the case was his own. Dr. Petty, however, ultimately resolved to make use of them, and appears to have adopted a very judicious course for testing and amending what was sent to him. As the process was different from his ordinary mode of proceeding, he employed a more highly qualified person, and nothing can be more clear than his instructions to Dr. Raggett. The comparison of the old mearings, with those ascertained by the civil survey and with the ground itself; adding the buildings and detail, more especially as to profitable and unprofitable land; stating any deterioration or difference which had occurred since the original survey was made, and finally, delineating the new work on the back of the old plans, so that what was old and what was new, and the differences between them, might be easily seen and compared; on the review of which, the Doctor estimates his gain, by the use of the old work, at only £100. The maps now remaining are not the original Strafford maps amended, but the fair copies made from them at the time. They bear the signature, Patrick Raggett, and are in tolerable preservation, so far as they escaped the fire of 1711.

C H A P T E R I X.

Pages 63-80.

THIS chapter exhibits a beginning of the troubles which thenceforward beset Dr. Petty in the distribution of the lands, an operation which, as before adverted to, would, so far as he was personally concerned, have been far more satisfactorily performed by a separate authority from that charged with the survey. Still there can be no doubt Dr. Petty was eminently qualified for both, and it may be doubted if any other machinery could so easily have been framed.

While the survey was proceeding, the committee of officers appointed in the previous December (pp. 40, 41) was also endeavouring to ascertain the debt and credit, i. e. the sums due to the army, and the extent of land which was available for their satisfaction; and it appeared that, according to the extent estimated by the civil survey, the moiety of the ten counties

counties would only satisfy twelve shillings and sixpence in the pound. Trusting, however, that it would ultimately prove equivalent to two-thirds, they petition accordingly that it be set out to them forthwith, leaving the remaining third to be settled afterwards. The council appear to have acted with great fairness, as well as great prudence. It ordered the two-third satisfaction to be made, and consented even that the accruing rents should be set aside for the benefit of the army, enjoining, however, in conformity with the directions of the Act, that the regiments should be "set down" continuously, and not scattered over the country, each beginning where the lands of the former ceased; the several regiments, troops, and companies, drawing lots as to where their portions should respectively fall. So extraordinary and systematic a partition of a country has no analogy, even in the planting of a modern colony, and perhaps it is not profane to remark here, in reference to the importance of a map for such a division, that a French writer on the subject of maps in the Memorial Topographique et Militaire, thinks there are indications of such a document in the partition of the Holy Land, by Joshua. The council also, very properly, had care of the claims of the soldiers formerly disbanded, and others, in conformity with the Act, requiring consideration and report on those subjects. Subsequently, owing to the rapid progress made by Dr. Petty in the survey, it speedily appeared by his "Downe admeasurement" that the forfeited lands were more extensive than the civil estimate had made them. Accordingly, the committee request that the whole debt be satisfied to them at once, for which they give six very simple reasons, the sixth alone being important, viz., their undertaking to pay in money any troops or companies who may be "shutt out." This does not appear to have been assented to. It would have been a mere scramble, but every effort was made to complete the survey as rapidly as possible.

The committee, while continuing to sit, appear to have propounded several resolutions not relating solely to this subject, but having for their object a larger scope of improvement for their general good when settled, among others, several relating to trade, and the intimate union of Ireland with the Commonwealth of England, on which the Lord Deputy appears to have come himself to the committee and announced a "speedy reducement of the army." This might have seemed to indicate displeasure, and probably at their proceedings, but for the last resolution of those which follow, which, though it is not clear, may be read as what would now be called a vote of thanks to him. The resolutions indicate much foresight as to indemnity, clearness of title, &c., and the closing paragraph of page 75 is not without analogy to the more modern fashion of disencumbering estates.

Finally, however, they separate, constituting a smaller body of officers to act for them, with full authority on all the points embraced in their resolutions.

Amid this tumult of claims and divisions it is refreshing to read the appeal of the Lord Deputy on behalf of the poor Waldenses: "meeting in the Castle hall with severall officers of the army, they together did resolve" to subscribe, "some a month's pay, others three weeks, and some one week's pay." It affords a glimpse at the outer world, in the midst of a narrative devoted to a single object, and that object, one which, however important and however curious, cannot even at this day be dwelt upon without constant pain. Nor are the widows and maimed and

and impotent soldiers forgotten by them, though in a later paper their claims will be seen at the end of the list instead of the beginning.

There appears some confusion of dates in this chapter. In the sixth line, "the beginning of May" refers to the order of the 11th of that month in the following page; and the report, called "the 9th of the same month," is not given. The "18th of December last," in the sixth and seventh lines of p. 64, should be the 11th of December last, printed at p. 30. It is similarly misquoted at p. 157, in the same order of council there reprinted, making it possible indeed that the date at p. 30 is the incorrect one. There can be no doubt, however, that the resolution is the same, whatever the date may be.

At p. 66, line 6, the word "summ" is "same" in the Lansdowne manuscript.

C H A P T E R X.

Pages 80-102.

Dr. PETTY is now urged forward; every one anxious to assist, who before had thwarted him; but another cry arises as soon as the parties begin to see their settlements, finding, probably, the country a wilderness. Desolation and war had "made a desert and called it peace." They think waste land has been erroneously returned as profitable, for which, of course, "the Doctor" is to blame. His answers are perfectly satisfactory: the gain would have been comparatively inconsiderable, and to no one but himself, who had no means of doing the wrong; the distinction being made by the local surveyor, not in Dublin. To this he adverts in his "Reflections": "Can any man say I ever altered the returns made unto me? changed profitable into unprofitable lands? altered any field-books, expunged any observation? chopped or changed in the least?" And again, "I contracted with my surveyors, by that most impartial, just, and never before thought of way, of the mile in length, and not by the thousand acres of superficial extent." Nor were the surveyors paid more for measurements in one class of land than in another. The average proportion between profitable and unprofitable land, which he gives as seven to one, appears indeed excessive when compared with the proportion between "arable" and "uncultivated" in the tables of the census of 1841, p. 453, which give about five and a half to one in Leinster, two to one in Munster, two to one in Ulster; but unprofitable and uncultivated are by no means synonymous terms, as much of the latter is profitable for pasture. This complaint was the same which the Doctor had made against the former survey; and it would perhaps have been more satisfactory to all parties if the Doctor's original offer of a gross sum for the whole had been accepted. The man must be very sceptical who can retain any doubt on these complaints after reading the first three pages of this chapter.

The complaint appears to have been more especially pressed in regard to the county of
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Kerry, which was doubtless doubly desolate, having suffered severely by the earlier Desmond wars. The Doctor's return of 400,000 profitable acres in that county may not have been too great. In 1841 it is stated to have contained 414,000, arable, and in the Land Improvement Commissioners' Digest, p. 585, 400,000 more is said to be improvable, but the "pathetical, though plain, narrative of Lewis Smith," who surveyed it, shows the almost impossibility of distinguishing the classes of land in the state they then were. So that we may fairly attribute the difficulties of distributing that county to the causes stated by Dr. Petty, rather than to any defect in the survey.

On the whole, after all the disputes on this subject, and those between the committees of the several provinces in regard to their allotments, the Lord Deputy and council, on the 20th of May, 1656, directed that the army should appoint trustees for the purpose of the distribution, in conformity with an ordinance of the Protector's council of the 2nd of September, 1654, which was accordingly done, and Dr. Petty was named as one of them. The order of the Lord Deputy and council, of the 20th of May, 1656, further enjoined that the survey "within the provinces already admeasured by Dr. Petty, be adopted by the army, according to the contents of the survey returned by the said Doctor."

The survey, therefore, was pronounced sufficient, and Dr. Petty, so far from being personally objectionable to the army, was, at their own recommendation, nominated one of their trustees for subdivision and allotment.

There is in this, as in former chapters, some confusion in the dates of documents, and some of those quoted or referred to, are not given. But in all these cases, the missing papers are either recapitulated in those which refer or reply to them, or are so obvious from the context as to leave no ultimate obscurity.

At p. 81, "when as" should be "whereas." At p. 86, line 5, a resolution of the council, dated 9th of May, 1656, and in line 30, a paper of the same date, signed by Sir H. Waller, are referred to. These are not given; but at p. 91, fourth line from the bottom, the former is again mentioned, and by reference to the commission from the council, referred to in the last line of the same page, the substance of both the papers of the 9th of the same month will be found recapitulated.

The resolve of the general council of the 6th of April, 1654, referred to at p. 89, fourteenth line from the bottom, is not given. At p. 91, the words, "see page 70, 71," probably refer to pages in some copy of the Act of the 28th of September, 1658, not now known. The sixteenth and seventeenth pages of the resolves of the general council and of the agents of the province of Munster probably relate to pages of certain council-books of the committee of officers. A few of these curious books are extant, and preserved in the Paymaster of Civil Services' Office.

At p. 100, line 9, the words "wee could ten or twenty acres to be worth one" are so written in the MSS. Some word is probably omitted.

C H A P T E R X I.

Pages 103-156.

In the month of March, 1656, thirteen months after its commencement, dated from 1st February, 1655 (see p. 46), Dr. Petty, having completed the survey, "soe far as concernes my engagement," made application to the Council, as to what examination of the work, and what certificate, were considered necessary before payment was made to him, for which he felt obliged to press, that he might close with, and discharge his surveyors and assistants; for the consideration of which the council, on the 10th of March, appointed a committee, which met on the 11th, to deliberate, Colonel Thomlinson, a member of council, in the chair; after which, on the same day, the committee was re-appointed, with the omission of Colonel Hewson, Colonel Sankey, Colonel Lawrence, and Mr. Worsley; but on the 13th, Mr. Worsley was directed to attend *ex officio*, and on the 17th the committee reported favourably of the work, having examined, *viva voce*, several of the persons employed, and inspected their field-books, plots, &c. This report is curious, as detailing the mode of proceeding, and the various checks devised by Dr. Petty. It forms, in fact, a pendant to the "Briefe Accompt." On the 15th (? 18th), however, an order issued to Mr. Worsley, to examine and cast up the several plots and books, and "see that the same be duly perfected and returned according to the articles of agreement and contract, or otherwise to state and present the defects of the survey to this board."

This Mr. Worsley undertook to perform in three months. It occupied, however, till the 18th of August, when he presented a report alleging various deficiencies. Dr. Petty replied in great detail, and it must be admitted satisfactorily, indeed triumphantly, for whatever blemishes or shortcomings might be detected in so great a work, performed with such extraordinary rapidity, over so great an extent of country at the same time, there can be no doubt that, on the whole, it exceeded the articles of agreement, and that the delay which will be seen to have taken place in the payment, was vexatious and unjust. Obstructions were probably anticipated from the first committee. It obviously made no progress, and the fact of Colonel Thomlinson, who was not a member of the committee, being in the chair, as a member of council, "as well for the Doctor's credit as for the State's advantage," makes it probable that the exclusion of Colonel Sankey and others, and the attendance of Mr. Worsley at the second committee only as Surveyor-General, was the result of this apprehension. It led, on the contrary, as is usually the case, to yet further delay, from which, however, Dr. Petty emerged more fully at last, as all the objections produced no effect upon the council, and gave rise to the very satisfactory replies of the Doctor, after which he again addressed the council, urging his claim to an early settlement, stating the circumstances under which he entered upon the work, and the difficulties he had to encounter: by want of abstracts of the lands to be surveyed, and, by their imperfection, preventing his distributing his force to the best advantage. The Church and Crown lands having been added afterwards, at a lower rate, though charged with the same amount of repayment from him to the former surveyors;

the difficulty of identifying them ; the abstracts having been supplied piecemeal, thus obliging him to send parties backwards and forwards ; as hard as if the " master of a shipp, who had contracted to export one hundred tun of goods," were " bound to make a hundred voyages to performe it ;" sometimes robbed by his workmen, without time to wait for redress ; the want of mereamen and guards, from the rapid " transplantation," and the sending away of the troops to England and Scotland ; the peculiar wetness of the season, especially at the beginning of the work, when he was urged to expedition, and when the men, being inexperienced, became discouraged, and this at the same time as the dispute about the forty acre parcels, adverted to in the sixth chapter. In several cases he had done more than he was required, and given more detail. He had encountered peculiar difficulties in the county of Dublin : delayed by the urgency of the soldiers with his surveyors, sometimes to survey one lot, sometimes another. He had surveyed Carlow and Kildare without the aid of the civil survey at all ; had received his advance payments in base Spanish money ; had lost much time from the subdivision not having been, as intended, contemporaneous with the survey. He also pleads the low scale of remuneration on which he had undertaken the work, more especially to the State, more than half being paid by the army at his own instance ; represents having to pay the old surveyors, a great hardship, as their operation ought rather to have been considered an unsuccessful experiment on the part of the State, and borne as a public loss. He only asks the same consideration he has always given to those under him.

This was followed, as was no more than just, by an immediate order of the council, dated 7th November, 1656, referring to their order of 15th May, and Mr. Worsley's report, but making no comment upon it, and directing the persons who had been employed by Mr. Worsley in making the examination, to attend the board with a " perfect and particular accompt of the contents of the several baronyes which the said Doctor hath admeasured," for the consideration of the council.

While this was in preparation, the Doctor, at the instance of the council, condensed his applications into the following heads :—

- That his survey be accepted ;
- That his securities be released by March next ;
- That he be paid before the lands are finally given out to the army ;
- That his accounts be not delayed for the final subdivision ; and
- Claiming remission of a considerable part of the repayment to the old surveyors ; each of which he supported by good and sufficient reasons in detail.

The first was granted on the 16th of May. The second had been referred to the Attorney-General. The council, by order of the 12th November, 1656, referred the third and fourth to the auditors of the Exchequer, and the last to a committee, to consider and report upon.

The Doctor then prayed that his payment be not delayed on account of this latter question, but that the deduction to be made for repayments, may stand over till his final settlement for counties subsequently surveyed, and for the Church and glebe lands, which prayer was also referred to a committee for inquiry, that the same may be respite, and the account pass as desired, which was accordingly ordered on the 24th of November, 1656.

By

By this time the persons ordered on the 7th of November to "attend the board with a perfect and particular account of the contents of the several baronies," had completed their return, which, on the 27th of November, was sworn before "Miles Corbett," on which the auditors of the Exchequer finally reported a sum of £3784 15s. 4*½*d. due to Dr. Petty, in addition to the sum of £13,057 17s. 3d. already paid, which the council approved on the 28th of November.

This general account being passed, the survey of Limerick, Carlow, and Wicklow, subsequently surveyed, were submitted to the same examination and scrutiny, and passed to the auditors of the Exchequer in reference to the repayments to the old surveyors, which were to be charged against the payment of £1533 8s. 6d. for those counties, on a due balance of which accounts it was reported by the auditors, that the Doctor had to repay to the State the sum of £422 10s., which the council remitted, on consideration of the circumstances stated by him, still retaining the right to claim it if found necessary, by subsequent deduction on any other account.

It is to be observed, that the tables in this chapter, at pp. 137, &c., were incorrect in all the manuscripts, but as there was no certainty whether the errors were in the totals or in the details, it was resolved to print them as they were, rather than attempt any corrections. Subsequently, however, a contemporary entry has been found among the books of the late Surveyor-General's office, now preserved in the office of the Paymaster of Civil Services, and in this case therefore it has been thought desirable to depart from the rule of making no corrections which were not in one or other of the manuscripts, and the tables in question are corrected from the authentic document.

By these tables, and the summary in the text which follows them, it will be seen that the sums thus passed as due to Dr. Petty, were £16,842 12s. 7*½*d., and £1533 8s. 6d., and £156 7s. 3d., making in all £18,532 8s. 4*½*d., for the detail survey of 3,521,181*A.* 2*R.* 29*P.*, under the several heads of profitable, unprofitable, church, and other lands, including also £1000 for the separate set of barony maps. Out of this sum was deducted £1533 8s. 6d. for the old surveyors, and he had to pay his own surveyors, and all other expenses of the survey. He appears to have received the whole in money, except the deduction for the old surveyors, and £614 8s. 9d., which could not be collected from the army, and was afterwards commuted in land; the details of which will be found in the twelfth and fifteenth chapters.

This was the whole amount of surveying and payment included in Dr. Petty's contract of the 11th of December, 1654. For the adventurers' survey and other surveys performed jointly by himself and Mr. Worsley, under the order of the 3rd of September, 1656, given in the Appendix, he appears to have been merely paid a small sum for superintendence. The extent of these surveys is not stated, but they could not have contained on the whole less than a million and a half of acres.

The opening paragraph of this chapter, is one of many places in which the Doctor speaks both in the first and third person. In this instance, the narrative approaches to the epistolary style in which the "Reflections" are written, and it is indeed probable, as conjectured by Mr. Weale, that much of it was communicated in that form, either to Sir Robert Southwell

or

or Sir Richard Cox, from the latter of whom, there is preserved in the manuscript volume already quoted, in the possession of Messrs. Hodges and Smith, the original draft of a letter to Sir Robert Southwell, dated the 15th of June, 1687, containing very judicious remarks on another of Sir William's works, the Political Anatomy of Ireland, from which their habitual correspondence, and the high estimation in which Sir William Petty was held by those learned men, may be seen.

At p. 104, fourth line from foot, *for petitioners, read petitioner.*

At p. 132, fifth line from foot, *for proposition, read proposition.*

C H A P T E R X I I .

Pages 157-166.

THESE pages are chiefly occupied with the times and manner in which the several payments were made to Dr. Petty, as well by the State, on its own part, as on the part of the army, of the penny an acre, agreed to by the committee of officers, on the 11th December, 1654. This latter, as well as the former, appears to have been advanced to him by the State, and deducted from the accruing pay of the soldiers and officers, and if the original intention of settling the men upon their lands, regiment by regiment, concurrently with the survey, could have been carried out, the payment would have been easily closed. But in two years, at such a period, it may well be supposed, frequent changes would take place among the troops, some being moved to England and elsewhere, and many irregularly set down as they were disbanded, or dispersed here and there, in some cases before the survey was complete. Accordingly, in February, 1657, there remained due to Dr. Petty £614 8s. 9d., which could not be raised from the army then in pay, and for this amount two modes of paying him were proposed, either to remit an equal amount of the repayment to be made by him for the old surveyors, or allow him to collect the sum himself from the soldiers and settled men, from whom it was due, with some addition for his trouble. The latter would obviously be a difficult process, but there was a considerable sum due on that account by the same parties to the State, which the State despaired of collecting, and this debt it was proposed to make over to him to collect for his own benefit, in compensation for the labour of collecting the £614 8s. 9d., increasing that sum to £3181 14s. 3d. To this the Doctor agreed, finding probably that money was scarce in the coffers of the State. He took, in fact, an addition to a bad debt, in lieu of payment of the debt itself. But it will be seen that he afterwards turned it to good account, having been paid in great part in land; and several years afterwards, subsequently to the Restoration, we shall find him petitioning the King on the same subject, in regard to the adventurers' lands, and in connexion with the completion of the maps; when, in 1666, a clause was inserted in the Act of Explanation, giving him powers of levying this penny an acre by seizure and distress on the lands from which it was still considered due.

Dr.

Dr. Petty certainly possessed the faculty of turning disadvantages to account, of which this is an example. It was forced upon him partly by his having to pay the old surveyors, instead of the expense of their operations being charged to the public as a failure of the State, or of the State officers, who employed them before Dr. Petty's work began; and partly by the mixed system of payment by the State and by the army, instead of wholly by the former, as one general contract. To this form it came at last, being recognised as a debt due from the land, whether before or after the soldiers were settled on it. (See also notes on chapter XV).

In this chapter, again, at page 157, the order of the committee of officers is referred to as 18th, instead of 11th December, 1654, but in the following page the date is correct.

C H A P T E R X I I I .

Pages 166-184.

THIS chapter is wholly occupied with the giving back of the Doctor's contract, on the expiration of a twelvemonth from the close of his work, his application for which had been referred to the Attorney-General, on the 23rd of February, 1657, who, on the 13th of April following, recommended that it should be given back, and the sureties released. The council, however, ordered that it should be deferred till one year, from the 1st of October, last past. To this the Doctor presented a strong remonstrance, without date, but which from the context appears to have been between May and July. His first application was grounded on the year having elapsed, during which, by his agreement, complaints were to be received. He now pleads that, if such be not admitted, there is no other date which can reasonably be fixed, as any such date must have reference to the allotment and distribution of the lands, not to the survey itself, which was completed in the prescribed time, and that such allotment in no way depended on him, he having been always ready to perform his part in it, as will have been seen by the former chapters. He alludes to the jealousy with which he had been viewed; to the absence of complaints against his own conduct of the work, or that of the "unruly multitude of instruments" he had been forced to employ. He represents that he will be less able to serve with advantage in his present arduous duty of distribution, if he appear under their lordships' displeasure, and finally adds, if such be thought necessary, that when his present bonds are released, he is ready to give further security for what may still be required of him, provided reasonable consideration be given him for such extra assurance. This remonstrance was supported by a petition to the same effect from the officers, agents, and others, and the demand was so reasonable and just that it could not but be granted. Accordingly, it was so ordered by the council, under date the 17th of June, and on the 24th of June the Doctor delivered into the Exchequer "all books, with the respective mapps, well drawne and adorned, being duly engrossed, bound up, and distinguished, placed in a noble depository of carved worke."

worke." On the 18th of December following he was, by an order in council of that date, "fully discharged." This "noble depository" would have been a curious relic, but it cannot now be found, having no doubt shared the destruction of the many more valuable matters, in the fire of 1711, at the Surveyor-General's office. That office is understood to have been near the old Custom-house on Essex-quay, in a building called "The Elephant," possibly from having before been an inn or shop with that sign. (Whitelaw and Walsh).

At page 179, the words "In June" ought to open a new paragraph, the petition closing and the narrative being resumed.

At page 181, thirteen lines from foot, "secluded" ought to be "excluded."

C H A P T E R X I V.

Pages 184-211.

We now open a new page in the history of Dr. Petty. The great work of the "Downe admeasurement" being completed, the survey was to be applied systematically to the purpose for which it had been made. This purpose, indeed, had already been to some extent accomplished, but in a manner so irregular that it led to much subsequent confusion, and leaves no doubt it would have been effected more satisfactorily, if it had been possible either to defer the whole operation till the preliminary labours of the survey were complete, or wholly to have done it, *pari passu*, with that work, as originally intended; which latter, indeed, was clearly impracticable as a final settlement, though it would have caused less irregularity than the mode which, on the urgency of the parties, was adopted; because the whole lands and the whole survey were really the co-equal units, not any one county or barony with any one regiment or troop.

It was indeed fortunate that, even at this eleventh hour, the great abilities and knowledge of Dr. Petty were available; and the arrangements detailed in this chapter show the characteristics of his peculiar mind, and faculty of order.

The second paragraph of the chapter exhibits in a few words the general view which, with a master's eye, he took of the whole operation, as well that which was done, as what remained to be done. The whole forfeited land set aside for the army, was destined to pay the whole army debt at certain values, specified by the Act (as given in the notes to chapter V.), and it was necessary the whole should be cast or recast in one crucible, that all might share alike. Accordingly, setting aside the enhanced rates at which the debt of the former settled parties had been redeemed, their prayer for additional compensation, and the remonstrance of the army against it, he appears to have computed the claims of the whole army as if one uniform distribution had been made, and then considered each as having received or being about to receive such or such a "quota pars," in order to make up the deficient, and pare down the redundant, to the same rate in the pound on their respective claims.

In this there were of course many practical difficulties. The early settlements had been made

made irregularly, and no "accomp't of what was then done ever did appear as a light unto what was further to be done;" others had been satisfied to their full allowance, who, nevertheless, left "many scraps of baronies, the which were imperfectly sett downe." The court of claims had been sitting and adjudicating. Commissioners for stating new debentures, and for making compositions, "were at this time all and every of them acting respectively." The committee of six officers, appointed on the 20th of May, 1656 (see p. 85), had failed also to compose the differences arising among the officers.

Such was "the ragged condition the affaire was in by reason of the preceding irregular, and indeed somewhat obscure, actings, anno 1653 and 1655, and other uncertainties of debt and credit, as also of the clashing interests," when Dr. Petty's new labours began.

He first restored the whole army, by calculation, to the state it was in 1654, when they cast their lots; then ascertained what lands were disposable, in pursuance of all Acts of Parliament and ensuing orders of council, separating those, which for any cause it was necessary to reserve, from the remainder which were disposable, obtaining the immediate authority of the council on doubtful points, and the concurrence of the army by adjustments among themselves, when such would afford satisfaction and facility.

The several steps of all these proceedings are fully and methodically related in the paper addressed to the council, pp. 191-5, in three great heads,—the debt, the credit, and the books of account.

Somewhat later, proceeding with the concurrence of the army, expressed through its agents, the commissioners submit certain doubts to the council on the 23rd of January, 1657, in three heads,—as to preference in setting out the few remaining lands, as to setting out the dubious lands, and as to the letters of possession to be given with the lands,—in which paper, among other things, they state that "there are not now neer lands enough left to satisfy all that appereas, much less all that may," praying "orders as to Kildare, hoping for a just account of such as received lands in 1653," and calculating upon a surplusage of the adventurers' lands in Louth, of which a moiety, it will be remembered, was set aside with their moiety of the "ten counties," towards the satisfaction of their claim of £360,000, which it will be necessary again to advert to, and to which reference is also made at p. 68, where the committee of officers pray that their share of Louth may be set out to them at once, rather than wait till the ten counties were adjusted between them and the adventurers. The queries are answered at length in three orders of the council, dated the 4th of February, and 6th and 9th of April; the latter containing a form of conveyance.

The adjustment and equalization of rates and values, referred to in this and other chapters, are succinctly described by Dr. Petty in his Political Anatomy (p. 341, Dublin edition): "Now as to the value of these lands, they were, anno 1642, rated to and by the adventurers as followeth, viz.: in Leinster at 12*s.* an acre, in Munster, 9*s.*, in Connaught at 6*s.*, and in Ulster at 4*s.*, and to pay one farthing per acre quitt rent to the King out of each shilling's worth of land so rated, viz.: 3*d.* or 12 farthings for one acre in Leinster, rated at 12*s.*; 2½*d.* an acre for lands in Munster, rated at 9*s.*, &c. Wood, bog, and mountain, to be cast in over and above."

" Afterwards the soldiers, who were to have the satisfaction of their arrears at the same rate, not being willing to cast lots upon such desperate hazards, did, anno 1653, equalize counties within each province, viz., took some in Leinster at £1 2s. per acre, some at £1, &c., and those who were satisfied anno 1655, and afterwards did equalize, not only counties, but baronies also, valuing some baronies in Leinster at £1 4s. per acre, and some but at 6s., and others at all rates between these two extremes. But so as, notwithstanding all the said differences, the whole province should be given and taken at 12s. per acre, according to the then law, and the inequality remaining after this equalization was to be corrected by a lot." With the orders of council last quoted, Dr. Petty for the present closes his account of the distribution,—a work so great that, as he says at the beginning of this chapter, "to doe the same perfectly would require a treatise by itselfe;" but of which the outline and general arrangements may be gathered from what he has here left us, although the details and actual operation may well be seen to be "one hundred times bigger and more difficult than in this orderly description it will probably be conceived to be." In truth it is difficult to imagine a work more full of perplexity and uncertainty than to locate 32,000 officers, soldiers, and followers, with adventurers, settlers, and creditors of every kind and class, having different and uncertain claims on lands of different and uncertain value, in detached parcels sprinkled over two-thirds of the surface of Ireland. Nor, as he subsequently experienced, a task more thankless in the eyes of the contemporary million. It was for his comfort that he obtained and kept the good opinion of those who were unprejudiced and impartial.

During this period, however, Dr. Petty had received various grants of lands himself, in satisfaction of his debts and claims, for which he found little chance of obtaining payment in money. The details of these transactions are given in the following chapter, but it appears to have produced much angry remark, and to have increased the jealousy with which he was already viewed. The Doctor's description of his position, in the last pages of this chapter, is at once so humorous, and in many respects so true, that, while it will awaken the sympathy of all who can appreciate the difficulties he had to encounter, and the jealousy and misrepresentation from which he suffered, it is at the same time cheering as exhibiting the firm heart and buoyant spirit which carried him through them all.

At p. 184, "17th of July" should be "7th of July."

At p. 188, "roots and perches" should be "roods and perches."

At p. 189, "6thly" is manifestly "7thly;" but so in MS.

At p. 192, "sett out in the barony of Carey" should be "*not* sett out," &c.

At p. 186 reference is made to two resolutions of general councils, viz.: of November, 1653, and April, 1654, which are stated to be "extant in print," but of which no copy has been discovered. In this, however, as in many other cases throughout the work, where papers referred to are not given in the narrative, the substance is easily collected either by the reference to them, the context, or the comments to which they give rise.

At p. 195, the same word, "overseen," applied to Mr. Worsley in p. 44, occurs. In this case it obviously means "overlooked." The meaning is probably the same in the former case, but the phrase is less intelligible.

CHAPTER

C H A P T E R X V.

Pages 211-227.

AT the close of the last chapter Dr. Petty states the necessity of his going to London, to confer with the commissioners there sitting on the claims of the adventurers, but postpones the narrative of that journey till he should first detail the circumstances which led him to become the possessor of lands in Ireland. He states that surprise was commonly expressed at his not investing his money in the country in which he had gained it, and that his not doing so was attributed to erroneous motives, rather than the real one, which was the desire to keep himself " free and clear from all kind of partiality and injustice," and that, being desirous of " being really a benefactor to the same land whereon God had already blessed his endeavours," he began to think of buying debentures, which being " both scarce and deere," led him to propose another mode, and, finding as much profitable land yet undisposed of as would entitle him to " neer £3000," at the one penny per acre he was to have for the survey of it from the army, forming a portion of the uncollected debts made over to him in lieu of the £614 8s. 9d., due on other accounts, by order of the council, on the 11th February, 1656 (page 163), and conceiving that in equity the money was rather due from the land than from "*individui vagi*," petitioned the council to be satisfied in land for the otherwise bad debt of one penny per acre, to be allowed to expend £1000 in debentures, to redeem lands mortgaged for more than their value, and to choose the lands he should so possess, which the council, by order of the 6th March, authorized.

Of these, the first was certainly a great improvement on the hopeless penny an acre. The second required the sanction of the council, by the Act which prohibited all surveyors or others employed in carrying it out, from themselves purchasing debentures, but allowed public debts to be discharged in lands; and, the third was an exception from the usual system, which, however, he states in the Reflections, had been frequently granted to others.

Yet none of them can be considered inequitable, nor, as he afterwards states, injurious to any party.

These concessions made, the Doctor proceeds with his usual energy to have them carried out, with the utmost care in every detail. The commissioners of distribution accordingly investigate the extent of his claim on account of unpaid pence, which they find amount to £3181 14s., for which, with the £1000 added by himself, they set out to him 9665A. 1R. 6P., profitable lands, with a proportion of unprofitable, in the places chosen by him, conveying the whole nominally for the £1000, on condition that he remit to the army the payment of the £3181 14s., thus making a legal title; and binding him in security of £3000 to certain conditions, which should guard both the Commonwealth and army against any contingent or future injury thereby.

As to the Commonwealth, it was conceived that the odd rods and perches gained by the public in the distribution, with consent of the army (see page 189), and the advantage to the public of the equalization of rates, described in the last chapter, would prove an equivalent for

the land thus conveyed; and Dr. Petty bound himself, if such should not prove to be the case, to buy up and bring in debentures, that is, cancel debt to the amount of the difference.

As to the army, if any soldiers should pay in their pennies, he was, in like manner, to bring in debentures to the amount.

Having so far closed this claim, he proceeded to the authority for redeeming mortgages, and, in like manner, to obtain a legal title, it was necessary the lands redeemed should be conveyed as the satisfaction for debentures, for which he obtained authority by an order of the council of 20th May, which, at the same time, however, limits the extent of land so to be redeemed, to 2000 acres in Munster and Leinster, and 1000 in Ulster. Accordingly, the commissioners set out to him those quantities of land, for the nominal price of a debenture, he having redeemed it from mortgage, as permitted, at his own expense.

Again, despairing of obtaining any sufficient recompense in money for his service as commissioner of distribution, "having observed the treasury so low," he applied to the council for payment in land, which they "cheerfully and unanimously" granted, allowing him to purchase £2000 worth of debentures, and permitting him, as before, to select the lands he should receive in satisfaction of them.

The commissioners, in execution of this, set out to Dr. Petty the following lands chosen by him, viz., in the liberties of Limerick, 1653A. 1s.; in the county of Kerry and Parish of Tuosist, 3559A. 0R. 31P.; in the county of Meath, near Duleek, 555A. 18s.; and in the same locality, another lot of 250 acres.

The lands thus acquired by Dr. Petty would seem on the whole to amount to nearly 19,000 acres of profitable land, and he closes the chapter by saying he "yett wants satisfaction for above £3000, to make up what was intended him by the above concessions of authority."

This may have reference to the first lands set out, viz., those in satisfaction of the soldier's pence, amounting to £3181 14s. 3d., which, as he elsewhere says, he only "held in pawn," having given security to the amount of £3000 to restore them, or an equivalent if it should become necessary; as no other debt appears to remain unsatisfied, or it may refer to the more exact computation of his claims, given in the seventeenth chapter, which will be adverted to hereafter in the notes on that chapter.

C H A P T E R X V I .

Pages 227-257.

This chapter describes the proceedings of Dr. Petty with the committee sitting at Grocers' Hall, for which purpose he was sent to London with letters from the Lord Deputy and council. He found on his arrival much prejudice created against him by an anonymous libel, which

which had been addressed to the members of the committee, but he removed their unfavourable impressions, and obtained their concurrence in the views he had been sent to lay before them, which appear to have been principally, that the allotments of lands which they had made to adventurers, should be subjected to revision; and that the Doctor's survey of their lands, which was similar to that on which the allotments of the army had been made, should be adopted for those of the adventurers also. This was agreed to after much discussion, and a proposal drawn up for the appointment of a mixed committee, but which, on further consideration, was abandoned by the committee of Goldsmiths' Hall themselves, and an application addressed by them to the Lord Deputy and council, requesting that the whole revision and adjustment be left to Dr. Petty alone. To this, however, a minority objected, and while each party was occupied in supporting its views of the acts and ordinances, and the proceedings which had taken place thereon, the Doctor was summoned back to Ireland by the council to meet certain charges exhibited against him during his absence.

This chapter again refers to the survey of the adventurers' moiety made by Dr. Petty and the Surveyor-General; see pp. 236, 246, 247, more especially; but there is no record of the manner in which it was originally paid for, either to the Doctor or to Mr. Worsley; and there is no statement of the allowance proposed in the latter page having been carried out, the probable profit of which the Doctor appears to have estimated at £2000. See p. 263.

In his will, indeed, as printed, he states that £60 was paid him for directing the after survey of the adventurers' lands, a sum so wholly inconsiderable that it is probably a mistake for some other figure.

At p. 220, last line, "all" should be "allsoe."

At p. 222, thirteenth line from foot, the words "it was" are omitted between "order" and "among," and the comma should be after "provided" instead of before it.

At p. 241, tenth line from foot, the words "the subsequent denomination" ought to be omitted.

NOTE.—Since writing the above the Editor has been able to refer to a duplicate of the will, among the valuable manuscripts in the possession of Messrs. Hodges and Smith, in which the sum is given in words as "six hundred pounds." Even this is a small sum for so great a work, and makes it probable that the operation did not extend to a survey of the whole moiety reserved for the adventurers, but was merely a revision or completion of some doubtful or defective parts. This duplicate will, bears autograph corrections by Sir William, and the signature appears to be original. It was among the Southwell manuscripts.

CHAPTER

C H A P T E R X V I I .

Pages 257-289.

THIS chapter opens with Dr. Petty's suspicion, that the death of the Protector, and the design to injure his family and all dependent on them, was now added to the other causes of acrimony against himself, he being then Secretary to the Lord Lieutenant, Henry Cromwell, as well as to the council.

The immediate complaint was conveyed in an anonymous letter, which fell into the hands of the Lord Lieutenant, who, desirous of giving Dr. Petty an opportunity of vindicating himself, by bringing the ceaseless complaints against him into a tangible form, made the subject known to the body of officers then in Dublin, some of whom it appears were ill-disposed already towards Dr. Petty; and in compliance with a petition signed by the principal officers, among whom were Sir H. Waller and Sir Charles Coote (which confirms Dr. Petty's opinion that this proceeding was not viewed in an unfriendly spirit by many of the officers), a committee of seven was appointed. This was composed, however, of persons strongly opposed to him. He describes them humorously while he gives their names. Their first demand was merely for the formation of a general book of the distributions, which was ordered by the council on the 24th of January, 1659, but subsequently dropped, as Dr. Petty believes, in consequence of his election to a seat in the Parliament then about to sit, the supposed object of this book being to obtain its confirmation in gross for their own exclusive interests, which he might be able as an English member to prevent, as it was apprehended the Irish members might not be allowed to sit. Dr. Petty, however, not choosing to trust altogether for reason and justice to a "Parliament like to be very factious," thought it desirable to state in writing what land he already held, and what claims he considered still to be his due; which he did, addressing it as a claim called an "Humble Address and Demand," to his colleagues in the commission for distribution, by whom it was laid before the council, and at Dr. Petty's instance referred to the seven officers who formed the committee. This, it must be admitted, indicates every desire on Dr. Petty's part to meet and even to invite the fullest inquiry. With perfect fearlessness he carries the war into the enemies' country; and, while his antagonists are disputing his present possessions, he meets them by preferring a claim for more.

It may be argued, however, that this was only intended to lead their attention away from the real question, but if such were the object, it failed, as the dissentient officers in their remonstrance, afterwards fell back on the original ground in nine distinct charges, and it led to a very explicit statement from Dr. Petty, as will shortly be seen.

He accompanied the address and demand with a paper, of which no copy is given, but which we may assume on examination to have been found correct, as the report drawn up in consequence, was in accordance with the Doctor's wishes.

Neither the demand nor the report are easily understood. In the report mention is made of a Mrs. Carey (who for the first time appears in the anonymous letter which led to the inquiry), on whose behalf a joint claim is set forth; and at the close of the report it is stated that

that no satisfaction appears to have been made to Dr. Petty for his service in the employment of setting out lands, whereas the permission to purchase debentures, in the fourteenth chapter, page 223, though only "untill they would do for him what might answer the end aforementioned," viz., full payment for those services, was itself no inconsiderable boon.

The majority of the seven signed the report, but three objected, and were ordered by the council to put their objections in writing, which was enforced, after another application from Dr. Petty, that a "full and fair tryal" be accorded him.

At length the dissentients delivered their objections, in nine distinct articles, to which Dr. Petty replied in full detail. First, showing that their articles do not bear upon the subjects of the report which they objected to, and are, therefore, not such as they were called on to draw up, and were required to present. But they were in fact nine distinct charges, and he answered each of them in the most ample and complete manner, with a seriousness and exactness proportioned to the importance of the subject, accompanying the whole with a schedule setting forth the several statements, more especially in relation to the third article, as exact matter of account.

In regard to the figures in this schedule, and to these calculations, the Doctor might well apprehend they "would be to strangers troublesome and obscure;" and they certainly are not less so at this day, complicated with the price of debentures at different periods, the "enhanced and depressed" rates of lands, and the "*quota pars*," besides introducing subjects not elsewhere adverted to, as Mrs. Carey, the lots of regiments in Kerry, and others. Yet few would probably have been found to dissent from the six inferences he draws, or come to any other conclusion than, as he expresses it in his fourth, "that the way of his satisfaction was neither contrary to law or equity, only it was singular and extraordinary," "that he did not choose that way, but was forced on it," and that from these circumstances it was peculiarly liable to jealousy.

It may, perhaps, be regretted that he should have dealt in lands at all, while he was himself a commissioner for distributing them. Such would now be the feeling of a public officer, and such was his own feeling, having long "forborne out of tenderness to deal in land or debentures, till the whole army was satisfied." But it does not appear that he sought the office, and it would have been unreasonable that he should on that account have altogether abstained from purchasing land, or from obtaining that mode of payment, when it seemed possible even that means might fail, from the number of unknown claims of other kinds which were coming in; so many, that he states it was doubtful whether there would be enough land to satisfy them all. And it is to be remembered, that although the Act prohibited all persons employed in connexion with it, from dealing in land without the special consent of the council, it allowed public salaries and public debts to be paid wholly or in part in land, and that such was the general practice. The names of his immediate coadjutors, Gookin, King, Symner, Worsley, nay, every name which appears in this history, appears also in the books of distribution as a possessor of land. His having forborne so long, appears the only peculiarity in that respect, except, indeed, the peculiar knowledge and ability which he brought to bear upon the subject, when once he had entered upon it.

It

It is clear, however, from the fifteenth chapter, and from this, that he had actually invested £7469, either his own or admittedly due to him, viz., £3181, army debt, and £1000, debentures therewith (p. 217), £1263 in redemption of mortgages (pp. 223-288), and £2025 for labours of distribution, for which 18,482 acres had been set out to him at the usual rates (pp. 225-227). The additional sum, stated to be "above £3000," at page 227, and £3139 here (which are probably the same), arising from comparing what he had, with what he might have had if his employment had not precluded him from dealing in the ordinary way, does not appear to have been then satisfied. There can be no doubt he considered it fairly due, especially in the absence of specific remuneration for his employment as commissioner of distribution, nor any that his extraordinary labours were not on the whole over-required, compared with many around him, as it can scarcely be doubted that but for his survey and subsequent operations, the lands would not have been surveyed or set out before the Restoration. But neither is it to be wondered at, that to persons not conversant with the circumstances, nor acquainted with the peculiarities of his case, it might have appeared extreme and irregular. For example, the £3181 was indemnified fully in land, but it appeared to represent only £614 of real debt, and the 9665 acres given in requital for the £3181 and £1000 debentures, would seem conveyed for the £1000 only; the 3000 acres of redeemed land, also, would appear conveyed for half-a-crown, yet in both cases the full amount was paid, and the smaller sums merely satisfied the technicalities of title.

We are not even now in possession of all the circumstances. Dr. Petty writes with his mind full and clear upon his subject, but presupposes much knowledge in his reader, then common, but now lost. The soldiers' pence would seem to have been fully satisfied by the 9665 acres, and the right subsequently given by the Act of Settlement on that account, related only to the adventurers' lands, yet that Act recognises his former services as a commissioner of distribution being still unrequited. The boldness with which he defended his acquisitions may be inferred from the successful issue of a suit on his part against even the Duke of Ormond, mentioned by Carte, vol. II. p. 393, and all this could not have taken place after the Restoration, if there had been doubt of the former probity and correctness of his conduct, or ground for the charges or articles of impeachment.

To the personal character of Dr. Petty, this chapter is among the most important in the history. It belongs, indeed, rather to that subject, than to the history of the survey, yet it would be improper even here to pass it without these few remarks. And it is fortunate that the proceedings in Dublin led him to place even these facts on record, as subsequent events crowded on too rapidly to allow any judicial conclusion to be come to, for his exculpation and satisfaction. He earnestly desired that all proceedings on the subject "may be published in print," very properly remarking, page 279, that "without this, these proceedinga, which may bee a ruine to your petitioner, will be but sport to his adversaryes, although they miscarry, they staking nothing to your petitioners whole estate and reputation."

Thus far all was in a fair course of being brought to issue in Ireland, where all parties could be made cognizant of the circumstances, and Dr. Petty's exculpation or the reverse would

would probably have been complete, but suddenly the venue was changed to London, by charges exhibited in Parliament by Sir Jerome Sankey, which Dr. Petty, himself a member of the House, was summoned to take his seat, in order to answer.

C H A P T E R X V I I I .

Pages 289-307.

ON the 26th of March, 1659, Dr. Petty, when all was ready for his long-desired trial in Dublin, was called to London by the Speaker's order of the 26th of March, 1659, having been furnished with a copy of the articles presented against him by Sir Jerome Sankey.

The only definite charge was, that, contrary to the Act, he had "made it his trade to purchase debentures," he "being then the chief surveyor;" the others, though of serious import, were general, requiring minute evidence to support them, such as a committee in our own day would inquire into.

Dr. Petty took his seat on the 19th, and answered on the 21st of April, in a maiden speech, reported, it is true, by himself, but temperate, and quite consistent with the facts and circumstances which the preceding narrative will make all readers acquainted with. Sir Jerome's reply is characterized by the ludicrous vehemence and anger which the Doctor always describes as his peculiarity; but it must be remembered we have not his own report of it, and the dissolution of the Parliament prevented any further proceedings.

The attack was renewed by Sir Jerome in the Long Parliament, which re-assembled in May, his adversaries hoping, as the Doctor believed, to deprive him of the "benefit of the Act of Indemnity then passing;" and on this occasion it assumes the formidable designation of "articles of high misdemeanour, frauds," &c., which are expressed at great length.

On which it is "ordered by the Parliament that they be referred to the Commissioners for managing the government in Ireland," and the said Commissioners were "fully authorized to hear and determine the same."

This reference to the authorities in Ireland, would have restored matters to the state they were in before, but political events crowded rapidly on, and in the "Reflections," where copious answers to the several articles are given, the Doctor informs us that "Sir Jerome keeps off my trial in Ireland, never so much as delivering the articles and the Parliament's order of reference unto the referees appointed, yet sends me false alarms to discompose my affaires and negociations in England, and threatened upon the army's owning the northern brigade's proposals, promoted by himself, but distasted by the Parliament, to give me no quarter," &c.

We know from the history of the period that Sir Jerome took a prominent part in the proceedings of the army, during the short interval it assumed high power at the close of 1659. In the Parliamentary History, vol. xxii., p. 3, his name appears first of twelve who sign the

circular letters constituting and calling together the committee of safety. And in De Larrey's *Histoire d'Angleterre*, vol. iv. p. 375, we find him commanding the Irish Brigade in Lambert's army in the north of England. Sir Charles Coote, who appears to have been always friendly to Dr. Petty, sided with the Parliament and Monke. The Restoration and the Act of Settlement speedily followed, and we hear no more of the impeachment or misdemeanours, which, if the memory of them had not been preserved by Dr. Petty himself, would probably have been long since forgotten altogether.

Not so the survey, which will always remain one of the most remarkable undertakings of which we have any record. We are not to estimate its merits as a topographical work, by the precision which has been attained in modern times, nor test it by comparison with modern surveys, but with those which had gone before, and which it immediately replaced, as well as the circumstances under which it was executed, and the short time in which the whole operation was performed.

Before the time of Petty, except the material compiled into the early maps of Ireland by Boazio, Ortelius, Norden, Blaeu, and others, the only detailed surveys of any magnitude were those of the King's and Queen's Counties, about 1630; the county of Londonderry, by Raven; and the Strafford Survey. Worsley was carrying on the surveys for grants and forfeitures, which have been sufficiently adverted to already as "grosse surrounds;" but it remained for Dr. Petty, to originate the idea of connecting the separate operations, into a general survey of the three provinces which were not comprised in the Strafford Survey. His great step was making territorial and natural boundaries the main objects, instead of estate boundaries alone; because the former were permanent and enduring, the latter in their nature fluctuating, and destined to change by the very purpose for which the survey itself was made.

The insertion which he enjoined of prominent buildings and objects, the heights of remarkable mountains, the more general information in regard to harbours, roads, and communications, were the result of the general, and, it is not too much to say, enlarged views he took of the work before him. The division of labour, first between office and field-work, and then between operative and directing ability; the forethought, apparent even in the minutest particulars, mark Dr. Petty as possessing the faculty which would probably have commanded success in any undertaking or career to which he had devoted himself.

That he should have ventured upon one so remote from anything to which his attention had previously been directed, may be taken as great boldness on his part, but it enhances our surprise at the success of the work. It would be no easy task in our own day, to accomplish in thirteen months, even a traverse survey in outline, of 5,000,000 acres in small divisions, and it was immeasurably greater then. But then, as now, the difficulties of the director of such an operation did not lie in the work itself. They arose from the obstructions thrown around him, by ignorance on the one hand and jealousy on the other; without any power possessing sufficient knowledge, strength, and general control, to afford protection and support. Enmity is always more active than friendship, and the few who feel or fancy themselves injured, are far more clamorous, and more heard, than the many who are honestly served and satisfied.

The

The true appeal is to the quiet force of public opinion, as time moves on, and anger gradually subsides ; and from that tribunal the award has long been favourable to the work of Dr. Petty. It stands to this day, with the accompanying books of distribution, the legal record of the title on which half the land of Ireland is held ; and for the purpose to which it was and is applied, it remains sufficient. To the rapidity with which it was executed, the adventurers and soldiers are indebted for the Act of Satisfaction having been carried out. At the rate of progress of the former surveys, the distribution could not have been completed before the Restoration, when the lands would have been deemed indeed forfeited to the King, and their former proprietors deprived, but the distribution would probably have been very different. Some years afterwards, Sir William combined his maps, and engraved a county series, in the frontispiece to which, it may be observed, is the only portrait of him known to exist. This engraving is mentioned by Walpole, but the original picture is lost. For a general map of Ireland he felt the want, either of triangulation, or of latitudes and longitudes, to connect the counties and smaller divisions, and it was the end of the next century, before such a map, worthy to be so called, was constructed by Dr. Beaufort.

The more modern labours of the Ordnance Survey are too familiar to render any notice of them here necessary, if it were not wholly out of place to speak of them in detail, and the time is, perhaps, not come for doing so with advantage. They were very similar in many respects, as well of difficulties and obstructions, as in the modes of meeting them, to the work we have been considering, after a lapse of two hundred years ; but they had their origin in peace, and for their object the improvement of the country, and the adjustment of its local burthens, instead of war, confiscation, and allotment.

The volume closes, indeed abruptly, at the period of greatest importance to Dr. Petty ; but the facts and statements of both parties are set forth, and at the close of the " Reflections" so often quoted, he writes, "that although Sir Hierome and Mr. Worsley have calumniated me with most monstrous imputations, and have possessed many with a belief of them, yet no man to the present day ever taxed me with the least to my face ; the which if any person shall think it worth his pains to do hereafter, I shall willingly give a meeting to hear him, or to prove any of the particulars to which I have alluded in this discourse. And I desire all now in power, especially such who, as I had, have the dispensing of benefits to multitudes, by way of antidote to themselves, to procure a fair hearing of Sir Hierome's articles, as also of my services and sufferings in Ireland, that I or my adversaries may be repaired or punished according to our respective demerits ; I desire the same also from the curious in general, viz., that they would examine whether there must be fire, that is guilt, where there hath been so much smoak of calumny, for my enemies do not hate my work, but envy my wages. They labour to confirm the one, and yet to destroy my claim of the other. I suffer, not because I sin, but because I would not sin, and serve particular interests.

" ' Non mihi culpa nocuit, sed invidia.' "

It is possible no conclusion more satisfactory might, in the heat of that time, have been arrived

arrived at. Dr. Petty probably intended to continue the narrative in more detail in regard to his arrangements for the distribution of lands, as intimated in the fourteenth chapter, but it is not known that he ever did so. His Political Anatomy of Ireland, and other works, however, contain the results of the thought and calculations to which he was led by these duties, and his public life did not terminate with the Commonwealth. Immediately after the Restoration his knowledge and ability were again useful, and he was one of the commissioners for carrying out the instructions of the Act of Settlement. By the 101st clause of that Act his property was confirmed to him, as held on the 7th of May, 1659. By several clauses the survey was recognised as the authentic document of reference for the purpose of settlement and claims, the Act not allowing dissatisfied parties to call for other surveys, unless errors of more than one-tenth were discovered in it.

In the Act of Explanation, again, by the 55th clause, his titles were confirmed; and his claim to the unpaid penny an acre on certain adventurers' lands, was recognised by the 100th clause, with powers for its enforcement, "for his better encouragement to finish the maps and description of this Kingdom."

His petitions to the King in 1661, 1664, and 1666, on these points, as well as for remuneration for his former services as a commissioner of distribution, are among the valuable papers in the charge of Sir William Betham, in the Record Tower of Dublin Castle. Of the description of Ireland, it is to be presumed the various topographical memoirs which he collected from time to time were to form parts; and the survey gave him immense facilities for collecting exact information. The effort to extend the maps to a real survey, by this collection and publication of memoirs in connexion with it, had also its analogy in the Ordnance Survey, in which also the effort failed. Governments, like men, are apt to measure the value of a thing by its cost, instead of its results, by what produces it, instead of by what it will produce,—"will bring" (less wise in that respect than Sir Hudibras!) Many may dissent from the views taken in the Political Anatomy, but none will deny of what value it would be to us, if the local state and circumstances of every district at that time, had been placed on record. Dr. Petty saw clearly that a map alone is not a survey, though it is the indispensable basis of such a work. O'Flaherty's Description of West Connaught, recently edited for our Society by our learned colleague, Mr. Hardiman, has preserved for posterity the effort of Dr. Petty in this direction; while the Memoir of Templemore, and the numerous historical papers collected and preserved in the Office of the Ordnance Survey, will remain to show that similar efforts were made in connexion with the more modern work; and the Geology of Londonderry, with the Museum of Natural History, evince the extension of the subject to those branches of science which at the date of the former survey were unknown or in their infancy.

In 1660, while the Long Parliament was still sitting, we find Dr. Petty's name occur, not answering malicious charges in that assembly, but in Pepys' Diary, on the evening of the 10th March, "at the coffee-house with a great confluence of gentlemen, where admirable discourse till nine at night." Here is probably a germ of the Royal Society, of which the Doctor was an early and distinguished member. The notice stands, with the usual grotesqueness of Pepys' motley narrative, in the midst of political turmoil.

In

In April, 1661, Dr. Petty was knighted at Whitehall, and about the same time purchased a house in London, where he thenceforward resided frequently. The diaries of Pepys and Evelyn contain frequent mention of his name, and among other things of his double ship, which was navigated to the Thames in 1663 ; when, again Pepys,—“at the Coffee-house, where I met with Sir George Ascue and Sir William Petty, who in discourse is, methinks, one of the most rational men that ever I heard speak with a tongue, having all his notions most distinct and clear.”

Being now free from “surveys and distributions, and other disobliging trinkets” (see *Reflections*, p. 11), he was at leisure to devote himself to liberal and useful arts, and to enjoy the society in which he took pleasure, and in which he was appreciated, as well in London as in Dublin.

His life was yet spared for more than twenty years, and he cultivated knowledge, promoting and leading learned societies, while he also carried out active measures for the improvement of his property and his tenantry in Ireland, in accordance with his wish “to be really a benefactor to the same land whereon God had already blessed his labours.”

The history of the Down Survey is but one chapter in the life of Sir William Petty, but, with his many subsequent works and papers, some still unpublished, it places him among the most remarkable and distinguished men of that stirring age. His enemies are forgotten, and he has passed away, but his works live after him.



APPENDIX.



APPENDIX.

I.

Satisfaction of the Adventurers for Lands in Ireland, and of the Arrears due to the Soldiery there, and of other publique Debts^a.

WHEREAS many well-affected persons, bodies politique and corporate, did subscribe and pay in, upon several Acts and ordinances of the late Parliament, divers considerable sums of money by way of adventure towards the suppression of the late horrid rebellion in Ireland, which said sums of money were, by the said Acts and ordinances, appointed to be satisfied by several proportions of the lands of the rebels there, as soon as the said rebellion should be appeased; and whereas also several other great sums of money are grown due, and in arrear unto the officers and soldiers who have been employed in reducing the said rebels, and to sundry other persons either for arrears yet unsatisfied, moneys lent, or provisions or other supplies furnished for the publique service; and whereas, by the blessing of God upon the forces of this Commonwealth, the said rebels are subdued, and the said rebellion is appeased and ended, and it is hereby declared to be appeased and ended. To the end, Satisfaction to be therefore, that all just satisfaction may be made unto the adventurers, officers, soldiers, and other persons aforesaid, as soon as possibly may be, and others. that the countrey of Ireland may be planted and settled with security unto such as shall plant and inhabit the same, be it enacted by this present Parliament, and by the Committee of Grocers' Hall. authority thereof, that one order of the Council of State, dated the first day of June, one thousand six hundred fifty and three, appointing and authorizing Methuselah Turner, of Cheapside, London, linen-draper, and other persons therein named, or any five or more of them, to sit as a committee at Grocers' Hall, to regulate, order, and dispose

^a From Scobell's Acts and Ordinances, chapter XII.

dispose the drawing of lots for ascertaining to the said adventurers where their dividends of
 Commission under the great seal, with instructions.

in Ireland, Edmond Ludlow, Esq., Lieutenant-General of the Horse, Miles Corbet, Esq., and John Jones, Esq., authorizing them, or any two or more of them, to put in execution the instructions

Further instructions from the council of state confirmed.
 lands shall be ; and one commission under the great seal of England, bearing date the two and twentieth day of June, one thousand six hundred and fifty-three, directed to Charles Fleetwood, Esq., Lieutenant-General of the army in Ireland, or any two of them, bearing date the second day of July, one thousand six hundred fifty and three ; and all the powers and authorities given and contained in the said order, commission, instructions, and further instructions, be and are hereby ratified and confirmed.

What lands shall be charged for satisfaction to the adventurers.
 And be it further enacted by the authority aforesaid, that one moyety of such the forfeited lands, as shall be by virtue of the said commission and instructions surveyed, measured, ascertained, and set forth, and all and every of them as are within the respective counties of Limerick and Tipperary (including that part thereof anciently called Holy Cross, otherwise Cross Tipperary), and Waterford, in the province of Munster, the King's County, the Queen's County, and the counties of Eastmeath and Westmeath, in the province of Leinster ; the baronies of Duleek and Slane, in the said county of Eastmeath, being included, any former exception thereof in the said instructions to the contrary notwithstanding. And the counties of Down, Antrim, and Armagh, in the province of Ulster, shall be and are hereby charged with the sum of three hundred and sixty thousand pounds, for and towards the satisfaction of the adventurers for lands in Ireland, who subscribed and paid in their moneys, according to the several acts and ordinances of Parliament, mentioned and particularized in the said commission under the great seal, to be made unto

The rates, proportions, and conditions to be according to the acts and ordinances.
 them in land, according to the rates, proportions, and conditions expressed, limited, and provided in and by the said acts and ordinances respectively ; and that the other moyety of such of the forfeited lands as are within the counties aforesaid, shall be, and are hereby charged for the security, and

towards the satisfaction of the arrears of pay due to the officers and soldiers of the present army in Ireland, to be made to them at the same rates with the adventurers, that is to say, after the rate of one thousand acres in Leinster for six hundred pounds, one thousand acres in Munster for four hundred and fifty pounds, and one thousand acres in Ulster for two hundred pounds, all according to

What lands shall be charged for satisfaction of arrears of the present army in Ireland.
 Irish measure, together with such other advantages of bog, wood, and mountain, as are allowed to the adventurers.

Who shall have the benefit of these concessions.
 Provided always, that those officers and soldiers only, and their executors, administrators, and assigns, shall have the benefit of these concessions, who are or have been of the present army in Ireland, and for the arrears of pay grown due unto them since the fifth day of June, one thousand six hundred forty and nine, and for such other arrears as became due unto them for their service in England, before the

the said fifth of June, one thousand six hundred forty and nine, for which no satisfaction such shall not sell till they be in actual possession, without leave.

leave or license first had from the commander-in-chief for the time being, or such as he shall

All sales or alienation to the contrary to be void. hath been already given, and that they shall not have power of selling their arrears or debentures, or of selling or alienating any the lands to be allotted unto them, until they shall be in the actual possession of such lands, without

leaves or license first had from the commander-in-chief for the time being, or such as he shall

authorize for that purpose; and that all acts of sale or alienation that shall be made contrary hereunto to be null and void. And for that divers constructions may be made upon this present Act, or upon any former Acts of Par-

liament for reducing of Ireland, what shall be said to be woods which shall be cast in over and above unto the several proportions of land hereby to be allotted to the adventurers and soldiers;

What shall be said to be woods to be cast in. be it therefore declared and enacted by authority of this present Parliament,

that such woods only shall be taken to be within the intent and meaning of this present and other former Acts as are growing upon barren mountains, or which are not fit for timber, anything in this or any former Act to the contrary notwithstanding.

Rules for an equal divident of the ten counties. And to the end an equal divident of the said ten counties may be made

betwixt the said adventurers and the said officers and soldiers, be it further enacted by authority aforesaid, that upon return made of the surveys of each of the said counties to the aforesaid committee for the lottery at Grocers' Hall, as by the afore-mentioned instructions issued under the great seal is directed, the said committee, upon computing the forfeited lands in each barony, shall divide each county by baronies into two moyeties, as equally and indifferently as they can, and then a lot or lots shall be drawn by the adventurers, or some on their behalf appointed, and by some officer or officers, or other person or persons appointed by the Lord General Cromwel, on behalf of the soldiery, for the dividing each county by baronies as aforesaid between them; and thereupon the said committee shall make forth two certificates under their hands and seals, each of them to contain and specific which baronies in each county do by lot fall to the adventurers, and which to the soldiers, and those certificates shall ascertain to each their divisions respectively, and when the division is so made, the said committee at Grocers' Hall shall cause the respective baronies of the ten counties, so appropriated to the adventurers for and towards their satisfaction, to be equally subdivided amongst them by lot according to the proportions belonging to every of them; and

Supply where baronies defective. if any baronies be defective to answer the sum which is apportioned thereto, supply shall be made out of any other barony or baronies belonging to the

adventurers, where an overplus shall be found within the same county, and in default thereof,

Who shall divide and sub-divide the money between the officers and soldiers. within the same province, if it may be; and for the equal dividing and subdividing of the baronies and lands within the other moyety of the said ten counties, which shall be appropriated to the officers and soldiers, the said commissioners of parliament, or such as they shall appoint, shall be, and are hereby fully empowered and authorized to distribute and set forth unto the said officers and soldiers, answerable to their respective arrears, their several proportions of lands by lot or mutual agreement

Commander-in-chief to determine differences amongst the said officers and soldiers. And the commander-in-chief of the forces in Ireland, or such as he shall from time to time appoint for that pur-

between the officers and soldiers pose, shall be and are hereby empowered and authorized to hear, adjudge, herein.

and finally conclude and determine all differences and controversies that shall and may happen or be between any the said officers or soldiers, or any part of them, in or concerning the dividing, sub-dividing, apportioning, or allotment of any the lands aforesaid, and such direction, judgement, and conclusion as shall be made and given in and concerning the same by the said commander-in-chief, or such as he shall appoint for that purpose, shall be observed and obeyed by all and every the officers and soldiers and other persons who shall be any way concerned therein.

Supply for the adventurers in case the moyety of the ten counties shall not be sufficient.

excepting the

Supply for the arrears in Ireland, in case of defect.

Satisfaction for arrears of forces disbanded.

And be it further enacted by the authority aforesaid, that in case the moyety of the said ten counties shall not be sufficient to satisfy the debt of the said adventurers, then the remainder thereof shall be satisfied by such lands as are forfeited in the county of Lowth, within the province of Leinster,

the barony of Atherdee, and what shall be defective in the other moyety of the said ten counties, to satisfy the arrears of the army in Ireland, that have accrued and grown due since the fifth of June, one thousand six hundred

forty and nine, together with such other arrears as became due unto them for their service in England before the said fifth day of June, one thousand six hundred forty and nine, shall be made up and satisfied unto them out of the surplusage of the moyety of the ten counties allotted to the adventurers, in case any such surplusage shall appear to be, and out of the county of Lowth, except the barony of Atherdee as aforesaid, or out of the forfeited lands of other counties in Ireland, to be appointed by the said commissioners, or such other as the Parliament shall authorize thereunto, at the same rates and with the same advantages, and in the way and maner as is prescribed for them that have their payment out of the ten fore-mentioned counties; and whereas it is found necessary, for the satisfaction of the arrears of those forces of the army in Ireland, who were lately disbanded, or are within short time to be disbanded, that several proportions

of forfeited lands be set forth in several parts, other then in the aforesaid ten counties; that is to say, out of the province of Connaught, such of the forfeited lands beginning at the end of one statute mile round the town of Sligo, and so winging upon the sea-coast, not above four miles distant from the sea, as should satisfy part of the said forces; and out of the barony of Atherdee, in the county of Lowth, in the province of Leinster, and out of the baronies of Maghere, Stephany, and Clanowley, in the county of Farmanagh, in the province of Ulster, and out of the baronies of Farmoy du Hawley, Condons, Arrora, Carbery, Kilmote, Kilmolee, and Kilnocker, in the county of Cork, such other of the forfeited lands within the same, as should satisfy the rest of the said forces in the apportioning or distribution, of which care is to be taken that there is an assigning or allotment of lands as they lie together, without intervals.

Lands set out to the persons disbanded by the commissioners to be enjoyed.

And that none shall pick or chuse as they lie dispersedly, or at distance one from another within the said baronies, be it therefore enacted, and it is hereby enacted by the authority aforesaid, that such forfeited lands in all or any the baronies or places aforesaid as are or shall be by the said commissioners in this act afore-named,

aforenamed, before the last day of February, one thousand six hundred fifty and three, set out, apportioned, and allotted to all and every the persons so disbanded, or that before the said last day of February, one thousand six hundred fifty and three, shall be disbanded, shall be by such disbanded forces and every of them, their heirs and assigns, held and enjoyed under such estates, tenures, and upon such conditions as are in this Act expressed for the adventurers, and the officers and soldiers of the standing army.

Provision for maimed soldiers and widows. And to the end that maimed soldiers and helpless or aged widows may have speedy satisfaction, in such places as may be secure and convenient for their habitation, be it enacted by the authority aforesaid, that the said commissioners of Parliament shall be and are hereby empowered to allot and set forth to maimed or impotent soldiers, and to helpless or aged widows and orphans who have arrears due to them in right of any soldier, or of any officer slain or dead in the service in Ireland, whose respective arrears exceedeth not one hundred and fifty pounds, such forfeited lands within the barony of Ymokilly, in the county of Cork, or the barony of Castleknock, in the county of Dublin, as shall satisfie their said respective arrears incurred unto them or their husbands, since the fifth of June, 1649, at the same rates and upon the same conditions as is allowed to the said adventurers, officers, and soldiers, and the lands so set out to them shall be by them, their heirs and assigns, held and enjoyed under the like estates and tenures, and upon like conditions as the said adventurers, officers, and soldiers, are by this Act to hold theirs.

Who shall have power to determine differences. And be it further enacted by the authority aforesaid, that if any difference shall arise or happen amongst the adventurers, or between any of them, or between them and the soldiers, or between them and those who shall be admitted to purchase lands, or between the soldiers or the purchasers, for or concerning the entring upon, possessing, and settling of their lands, according to the several proportions allotted or made over to them respectively; the said commissioners of Parliament shall be, and are hereby empowered and authorized by themselves, or such others as they shall appoint, to hear, examine, and finally conclude and end all such differences, that each may enjoy his and their proper right, according to the true intent and meaning of this Act; and such their determination shall be conclusive and binding to all intents and purposes.

For five years taxes not to exceed one-fourth part of the yearly value and profit of land and stock. And for the encouragement of the said adventurers, officers, and soldiers, the ease and benefit of the inhabitants already in Ireland, and the more speedy and effectual planting of the same, be it further enacted by the authority aforesaid, that the said adventurers, officers, and soldiers, and their and every of their heirs, assigns, and tenants, respectively, as also all other inhabitants, owners, occupiers, and tenants of land in Ireland, shall from and after the four and twentieth day of June, which shall be in the year one thousand six hundred fifty and four, for and during the space of five years then next coming, pay or be charged to pay for and in consideration of the said lands and stock thereon towards any publique charge, no more than one-fourth part, both for the landlord and tenant, of the true and full yearly value and profit of their respective lands and stock thereon; and after the expiration of those five years, no more nor otherwise then what shall be assessed and rated for them to pay by Act, ordinance, or order of Parliament, and therein not to exceed

exceed the proportion of assessments which shall from time to time be imposed on the inhabitants of this Commonwealth residing in England.

Quit-rents remitted for five years. And for the further encouragement of the said adventurers, officers, and soldiers, and the more speedy and effectual planting of the said forfeited lands in Ireland, be it enacted and declared by the authority aforesaid, that all and every of the quit-rents charged or reserved upon the said forfeited lands by any former act or ordinance of Parliament, shall be and are hereby remitted for the term of five years, and the said adventurers, officers, and soldiers, or other persons who shall have any lands set out unto them by virtue of this Act, their heirs, executors, administrators, and assigns, shall be, and hereby are discharged and freed from any payment of any of the said quit-rents, for and during the said term of five years, to be computed immediately from and after the respective lands shall be set out or allotted unto them, and shall hold and enjoy their lands without any let, trouble incumbrance, or molestation whatsoever, for or in respect of the said quit-rents, for and during the term aforesaid, anything in any former act or ordinance of parliament to the contrary in any wise notwithstanding.

Restriction of this remittal. Provided nevertheless, and it is hereby declared and intended, that no person or persons whatsoever shall be capable of the said indulgence or remittal of the said quit-rents, unless such person or persons shall within twelve moneths next after the allotment of his or their proportion of lands, enter upon and begin to plant the same, by himself, servants, or tenants; and continue in the planting and improving thereof for the term of three years at last then next to come, after the expiration of the said twelve months. But in case any shall refuse or neglect so to do, the quit-rents reserved by any former act or ordinance aforesaid, shall be, and hereby are continued chargeable upon such his or their proportions of the said forfeited lands; and all and every such person or persons shall be liable to pay the same, as if this act had never been made.

Adventurers and soldiers may purchase houses in cities and walled towns. And be it further enacted by the authority aforesaid, that the commissioners of Parliament aforesaid, shall, and are hereby authorized to admit the said adventurers, officers, and soldiers, to purchase any of the forfeited houses or messuages in any city or walled town within any of the ten counties aforesaid, for their security and habitation, paying for the same after the rate of six year's purchase, to be paid in ready money, as they are or shall be found by survey to be of present value to be

Proviso. let. Provided they purchase no more then one moiety of the houses within the cities of Limerick, Waterford, and town of Clonmel; and that they do make their purchase of the same at or before the twenty-fourth day of June, which shall be in the year one thousand six hundred fifty and five. And in the sale and disposal thereof the commissioners aforesaid are to have respect to the accommodation of both equally and indif-

Saving of rights. ferently, saving unto every person and persons all his and their right, title, and interest, to any house or houses in any of the said cities and towns, that he or they were possessed of the twenty-fifth of March, one thousand six hundred fifty and three, by force and vertue of any Act, ordinance, or order of Parliament, or by order from the commissioners of Parliament, or any three or more of them, in pursuance of the powers given unto them by the

Privileges to Limerick, Waterford, and Clonmel.

Waste grounds in cities or towns may be granted to Protestants, provided they inclose and build habitable houses.

the late Parliament. And that the said cities of Limerick and Waterford, and town of Clonmel, shall have equal privileges, franchises, and immunities with the city of Bristol in England, and charters granted unto the inhabitants thereof under the great seal of England to that effect. And if any vacant places or waste grounds, heretofore belonging to the rebels, and now forfeited, shall be found within the walls of any of the said cities or towns, fit and convenient to be built on for habitation, or any other necessary accommodation, it shall and may be lawful for the said commissioners, or any two of them, to grant the same grounds in convenient proportions to such person or persons whatsoever, professing the Protestant religion, and to their heirs and assigns as shall become suitors for the same, without paying therefore any fine or other consideration. Provided that he or they inclose the said vacant places and waste grounds, and build thereupon habitable houses in good and substantial manner, as shall be thought fit and appointed by the said commissioners, within the space of three years next after the same shall be assigned and set out unto them.

Exemption from military employment for ten years.

And for the better encouragement of the said adventurers, officers, and soldiers, be it further enacted by the authority aforesaid, that neither they, nor any of them, nor any of their tenants or servants residing upon any of the lands to be set out and allotted unto them in the said counties, save such as shall be under the pay of the Commonwealth, shall be put upon any military employments for the space of ten years next after their dividents and allotments of land made unto them as aforesaid, without their own consents, further or otherwise then to defend themselves and their own plantations against the enemies of the Commonwealth in those counties, cities, towns and places aforesaid ; and in such case to be conducted and commanded by their own officers, chosen by themselves, and approved of by the said commissioners or commander-in-chief there of the forces of this Commonwealth for the time being.

Gross surveys.

And whereas, for the more speedy and effectual settling the adventurers, officers, and soldiers, in the said forfeited lands, power is given by the commission, and instructions under the great seal, in this Act before-mentioned, for the taking and returning a gross survey of the said forfeited lands, as in and by the said commission and

Persons possessed of more land than their proportion may buy the overplus or restore it.

instructions is at large expressed and directed. Be it further enacted by the authority aforesaid, that in case the said adventurers, officers, or soldiers, or any of them, shall upon such gross survey be possessed of more land than is due unto them or any of them for their respective proportions, it shall be and hereby is made lawful for them or any of them, within the space of two years, from and after the twenty-fourth of June, which shall be in the year one thousand six hundred fifty and four, to purchase the overplus thereof from the said commissioners at three years' value, ready money, according to what it was let for, or worth to be let in the year one thousand six hundred and forty, or otherwise to restore the said overplus for the use and benefit of the Commonwealth. And in case the said adventurers, officers, or soldiers, or any of them, do forbear to purchase or restore the same for the space of the said two years,

the

the said commissioners, or such as the parliament shall authorize thereunto, shall have power within the space of three years after the expiration of the said term of two years, and not afterward, to cause the same to be re-surveyed and measured, and in case that the said adventurers, officers, or soldiers, or any of them, shall, after the two years aforesaid, be found possessed of more than is due unto him or them, the said commissioners, or other persons so authorized, shall have power to seize upon such overplus of the land of the said person or persons so in default, to and for the use of the Commonwealth, unless the said person or persons do redeem the same, by paying in ready money for the said overplus six years' purchase, according to the true value thereof in the year one thousand six hundred and forty. Provided that such seizure be made upon such part of the said lands as shall be to the least prejudice of his or their purchase. But if within the term of three years aforesaid no re-survey and admeasurement shall be made, and overplus found, there shall be from thenceforward no further inquisition made, but the said lands possessed and held upon such gross survey as aforesaid, shall remain and be for ever in the possession of the said adventurers, officers, and soldiers, respectively, their heirs, executors, administrators, or assigns, who shall then hold and enjoy the same without any let, trouble, incumbrance, or molestation whatsoever, for or concerning any re-survey or overplus.

Protection to planters. And be it further enacted by the authority aforesaid, that all the adventurers, officers, and soldiers, who shall proceed to plant upon their several proportions and allotments of land so to be set out as aforesaid, unto them and their tenants respectively, shall have equal protection against the rebels and other enemies with other members of the Commonwealth of England inhabiting Ireland, and shall have and enjoy all grants, rights, immunities and privileges, which by any former acts or ordinances of parliament shall have been granted unto the adventurers for lands in Ireland, and not restrained by this act.

Provision for free schools and manufactures out of the overplus of forfeited lands in the aforesaid counties. And be it further enacted by the authority aforesaid, that in case there shall be found an overplus of the forfeited lands in the respective counties aforesaid, after the adventurers and soldiers are satisfied, the said commissioners of Parliament, or such others as shall be authorized thereunto, shall have power, and are hereby required to set forth and grant out of the same such a proportion of land, not exceeding the value of one thousand pounds yearly rent in any one county, for and towards the erecting and maintaining free schools, and for the setting up and maintaining manufactures in convenient places within those counties.

Who shall execute the powers for appointing maintenance for ministers, erecting corporations, and regulating plantations. And be it further enacted, that those powers and authorities which are mentioned in the third article of the first Act of Parliament, for the adventurers for lands in Ireland, for appointing of maintenance for preaching ministers, erecting of corporations, and regulating the several plantations, according to the intent and meaning both of the former Acts and ordinances, and in pursuance of this present Act, be and hereby are vested in the said commissioners of Parliament, or such others as shall be authorized thereunto, who are to execute the same accordingly.

Publique meet-
ing-places, high-
ways, and
bridges.

cordingly. And also to take order for the erecting of publique meeting-places for the worship of God, and for laying out highways of convenient breadth, and for building and repairing bridges for the ready passage of travellers and carriages from place to place throughout the country.

Estates settled
according to lots,
grants, &c.

And to the end the said adventurers, officers, and soldiers, and other persons or persons who shall have lands allotted, granted, or set out unto them by virtue of this Act, may be confirmed and settled in their respective shares, proportions, allotments, and purchases, be it enacted by the authority aforesaid, that all and every adventurer and adventurer having a certificate under the hands and seals of any five or more of the committee at Grocers' Hall aforementioned, whereby he or they are enabled and authorized to make their claims of lands in Ireland, respectively, according to the said order of the said council of state, dated the first of June, one thousand six hundred fifty and three. And all and every officer or soldier having (after the division made among the officers and soldiers) a certificate under the hands and seals of the commissioners of Parliament, or any two or more of them, and all other person or persons who shall become purchaser or purchasers of any houses or lands having a certificate or conveyance under the hands and seals of the commissioners of Parliament, or such others as shall be authorized thereunto, shall from and immediately after the setting out and particular slotting unto them their respective shares and proportions accordingly, and the due recording or registering thereof, with the publique register for the said lands, be and are hereby adjudged to be in the actual possession and seisin of all and every such houses and lands, with all things thereunto belonging, mentioned in his or their shares and allotments; and that he or they may then forthwith enter upon, have, hold, and enjoy the same to him or them, their heirs or assigns, for ever, respectively, to be held in free and common socage as of the Castle of Dublin, under the covenants and conditions reserved and made, or now reserved and made as by this Act is directed, limited, and appointed.

Adventurers ex-
cluded from the
benefit of for-
feitures of such
as paid not in
their moneys.

And be it further enacted by this present Parliament, and the authority thereof, that all those adventurers for lands in Ireland, which shall partake of the privileges in this Act contained, shall be excluded the benefit of any forfeiture committed by any of the adventurers who have not paid in their monies according to the tenor of any former Act of Parliament, any clause in the former Acts or ordinances expressed in anywise notwithstanding.

Such as paid not
in their full sub-
scriptions may
pay within three
months.

And all persons, corporations, or bodies politique, who have made default by nonpayment of their full subscriptions, shall have liberty to pay to Thomas Andrews, alderman of the City of London, so much money as may fill up and satisfie his or their former subscriptions, or such a part as may not be of a lesser proportion than was formerly paid by him or them in the year one thousand six hundred forty and two, and the receipts of the said Thomas Andrews given in that behalf, which he is hereby authorized to give, shall be admitted by the committee at Grocers' Hall, and their certificate thereupon, which they are also authorized to give, shall be a sufficient warrant to him or them so paying, to make claim for so much land as the money now paid being added to the former payment,

amounteth unto upon any former Acts or this present Act of Parliament; always provided

Such as are poor shall be admitted for so much as they paid in. the same be paid within three months after the publishing of this Act. And all other adventurers, who have not brought in their moneys, according to their former subscriptions, being now poor and unable to pay in the rest of

their adventure, and shall be so adjudged and certified by three justices of the peace, in the respective counties and cities wherein they live (which certificate the said justices are hereby authorized to give under their hands and seals). That certificate, with their former receipts under the treasurer's hand, shall be admitted by the committee of Grocers' Hall, and their certificate thereupon, which they are hereby authorized to give, shall be a sufficient warrant to such poor person or persons to make claim for so much land in Ireland as the money he or they at first advanced shall amount unto upon any former or this present Act, without any other additional payment in money, which said claim shall be allowed of accordingly, and satisfaction be made in land, in like manner as is appointed for the rest of the adventurers, and shall be enjoyed accordingly. And what money shall be brought into the treasury hereupon shall be disbursed for surveying the lands, and defraying other necessary charges in settling the said plantations in such manner as the Parliament shall direct and appoint.

How the rest of the forfeited houses and lands shall be disposed of. And be it further enacted by the authority aforesaid, that all other the houses and lands of the rebels in Ireland, and all the lands forfeited by virtue of the before-mentioned Acts of Parliament, with their and every of their appurte-

nances, scituate, lying, and being within all the several provinces and counties of Ireland, ex-
cept such as are in this Act hereafter excepted, shall be set forth and disposed of by the said

For the arrears of the present army in Ireland, due since the fifth of June, 1649. commissioners for the uses and purposes hereafter expressed, that is to say, for and towards the satisfaction of such arrears of pay of the officers and soldiers, and others of the present army in Ireland, as became due since the

fifth day of June, one thousand six hundred forty and nine, for their service in Ireland, or before that time for their service in England, as aforesaid, which shall not be satisfied and paid out of the forfeited houses and lands, within the ten counties formerly by this Act ap-
pointed, whose satisfaction out of the same is to be at the same rates and with the same ad-
vantages as are allowed to those that have their payment out of the before-mentioned ten
counties; and after satisfaction made as aforesaid, the remainder of the said forfeited houses and lands shall be set forth and disposed of at the rates hereafter expressed, for the satisfac-

Arrears before that time. tion of other arrears and debts hereafter mentioned; that is to say, for the satisfaction of all other the arrears of the said officers and soldiers of the pre-

sent army in Ireland, which became due before the fifth day of June, one thousand six hundred

Arrears for service in England or Ireland, how to be stated. forty-nine, for their service in Ireland not otherwise satisfied. And the ar-
rears of any other officers or soldiers that served the Parliament in England or Ireland, and have continued faithful to the Parliament, for their service

done in England or Ireland, which arrears for service done in Ireland, are to be stated by the commissioners for accounts in Ireland, according to the rules and directions to them given in an Act of the late Parliament, entitled, "An Act for stating and determining the accounts of such officers and soldiers as are and have been employed in the service of this

Commonwealth

Commonwealth in Ireland ;" and the arrears for service done in England, not being already stated, are to be stated by such persons and in such manner as the Parliament shall hereafter direct ; and debentures are to be taken forth accordingly, upon which the said commissioners of Parliament are to set out and make over to them, their heirs, executors, or administrators, proportions of forfeited lands, at such rates and upon such conditions as is hereafter mentioned, for those who have publique debts due to them.

Moneys lent. And likewise the said remainder of the said forfeited lands is to be set out and

disposed of for the just satisfaction of all such persons, their executors, administrators, or assigns, bodies politique or corporate, as have lent monies upon the publique faith; and of all such persons as by order of the lords justices and council of Ireland, did, before the cessation made with the rebels of Ireland by the Earl of Ormond, on the fifteenth day of September,

in the year one thousand six hundred forty and three, deliver for the use of the Parliament's army there, any moneys, arms, ammunition, victuals, clothes, or other provisions, for which they received bonds from the said lords justices and council, or some of them, or bills of exchange, or letters of that nature, or warrants from the lords justices and council, to receive satisfaction for the same from the Parliament, or from the treasury then in

England, or who furnished any money, commodities, provisions, or supplies of any kind, to or for the use of the forces under Colonel Michael Jones, Sir Charles Coot, or Colonel George Monck, in the Parliament's service, or for the use of the Parliament's forces in the province of Munster, before the revolt from the Parliament, or for the maintenance of the forces in the town of Drogheda, when it was besieged by the rebels in the year one thousand six hundred forty and one, or who by commission set out, manned, or maintained any ships or vessels for opposing and suppressing the said Irish rebels, and have good warrants, certificates, receipts, attestations, or vouchers, to make the same appear, and of all such persons who have made

Debts made appear. their debts to appear unto the Parliament, the council of state, or any committee of Parliament in a preparatory way for a report to be made to the Par-

liament for their satisfaction, or unto any other persons authorized by the Parliament to take

Moneys or commodities ad- vanced by auth- ority of Parlia- ment or for which payment is or- dered. knowledge of and allow those debts, or who did advance money, or furnish any commodities by order of Parliament, or of any committee of Parliament, authorized in that behalf, for the service of Ireland ; or have procured any

Act, ordinance, or order of Parliament, or any committee of Parliament thereunto authorized, for payment to be made unto them ; they and every of the said person or persons, their executors, administrators, or assigns, to whom all or any such debts as afore-

said do belong, making oath before the committee at Grocers' Hall in this Act mentioned (who are hereby authorized to administer the same, and thereupon to give a certificate thereof under the hands and seals of any five or more of them), or before the commissioners of Parliament, or commissioners for accounts in Ireland, expressly deposing that satisfaction hath not been made for the same, or any part thereof now demanded to be satisfied in land ; and the said person or persons to whom such debts were or shall be respectively due, not having

So as the debts have not been forfeited. by their or any of their delinquencies forfeited the same, their said debts shall be taken notice of, examined and stated by the aforesaid commissioners for

accounts in Ireland, who are hereby authorized accordingly to state the same upon the said vouchers and oaths, using therein the strictest enquiry they can make to discover the truth of such debts, certificates, and vouchers, for which they are hereby authorized to administer an oath or oaths as they shall see cause; and having taken in their said vouchers, and transmitted them to the register for debentures, in like manner as they are by the Act for stating and determining the accounts of the soldiery appointed to do for those certificates, bills, or vouchers, upon which soldiers' accounts are to be stated, they are to give forth certificates or debentures under their hands and seals of what sums they find so to be due unto the said persons

Lands to be set forth. sons or any of them; and such their certificates being allowed by the commissioners of Parliament, they, the said commissioners of Parliament, are thereupon

Rates. to set forth and make over unto them, their respective heirs, executors, or administrators, lands for the same, at the rate of four years' purchase for unplanted lands, and six years' purchase for planted or tenanted lands, the same to be set out by survey to be taken upon oath, in which the houses, buildings, and timber are to be valued, and the lands rated as they were let for, or were worthy to be let in the year one thousand six hundred and forty. And the said lands and premises so set out to them or any of them are to be held and enjoyed by them in free and common socage, in like manner as the adventurers.

Tenure. officers, and soldiers are to hold their lands, and under such covenants and conditions as in this Act are prescribed for them, the said adventurers, and soldiers.

Forfeitures for false bills, &c. Provided always, and be it enacted, that if any person or persons shall make, procure, or produce any false bill, certificate, or voucher, or shall make any false oath, to the prejudice of the Commonwealth, for or concerning any such debt, upon discovery and due conviction of the same, every such offender shall not only forfeit all arrears and debts due unto him or them (if any remain due at the time of the discovery), but shall be liable to imprisonment and sequestration of his or their estates to the use of the Commonwealth.

Mines excepted. Provided that all and every the mines of silver and gold in and upon any of the said forfeited lands disposable by this Act, be reserved and exempted from sale, to be kept for the best advantage of the Commonwealth; and that all dues and rights payable out of any other mines be still paid and continued to the use of the publique, according to the laws and statutes in that behalf.

Protestants may purchase or farm houses or lands. And be it further enacted and declared by this present Parliament, and the authority of the same, that it shall and may be lawful for all persons of what nation soever, professing the Protestant religion, to purchase or take to farm

any of the aforesaid forfeited houses and lands in Ireland so set out, allotted, sold, demised or otherwise disposed of, or any other the forfeited lands in Ireland, not hereby disposed of, and to inhabit, dwell, and plant in and upon them or any of them, and in any of the counties,

Privileges. cities, or towns mentioned in this Act, to be peopled, inhabited, and dwelt in; and that all and every such person and persons shall have and enjoy all rights, privileges, freedoms, and immunities which belong unto, or may lawfully be claimed by Protestants, natives of this Commonwealth, both in England and Ireland.

And

Liberty to trans-
port horses,
corn, tools, &c.
And be it enacted by the authority aforesaid, that every person which shall have any part of the said lands so to be divided and allotted as aforesaid, shall and may export out of England or Wales any horses, mares, cattle, sheep, corn, materials, tools, instruments for building, and household stuff, for the planting, improving and flocking of the said lands, or any part thereof, at any time during the space of three years, to be accompanied from such division and allotment to be made as aforesaid, without paying any custom, subsidy, or impost for the same; the owners of the goods and masters of the ships in which they shall be from time to time transported giving security to the officers of the respective ports, by such bonds, and in such sort as by former laws and statutes is provided for those that ship and carry goods from port to port in England; provided that

Ports from
whence such
transportation
shall be.
such sheep, horses, and mares be transported from one of the ports hereafter named; that is to say, from Padstow, Barnstable, Ilford-Comb, Minehead, Bristol, Milford-Haven, Westchester, Liverpool, Whitehaven, Wyre, Hollyhead, Swansey, or Beaumarria, and from no other port whatsoever.

None may sell or
alien to persons
within the qua-
lifications in a
former Act.
Provided always, and be it hereby declared and enacted, that no adventurer, soldier, or purchaser, who shall be possessed of any forfeited houses or lands by virtue of this Act, or any other person buying, purchasing, or holding houses or lands from or under any of them, shall sell or alien any part or parcel of such houses or lands unto any person or persons who are comprehended in the 12th August, 1662. Penalties. qualifications of the Act of Parliament, entitled, an Act for the settling of Ireland, under the penalty of forfeiture of so much of the said houses and lands as they shall so sell or alien, to the use of the Commonwealth. And that whosoever shall let, set, or grant by lease, directly or indirectly, any of the said forfeited houses and lands to any person or persons comprehended in the qualifications of the said Act, entitled "An Act for the settling of Ireland," shall pay towards the pay of the army there, and other publique charges, the one-half of the yearly revenue or value of the said houses or lands to let, set or granted by lease to any such person or persons.

Castles, citadels,
forts, block-
houses, &c., ex-
empted from
sale.
Provided always that this Act, or anything therein contained, shall not extend to the allotment, sale, or other disposition of any of the castles, citadels, forts, bulwarks, rampiers, block-houses, or other places of defence in any of the towns, counties, or provinces in Ireland, which are or shall be within six moneths after the publication of this Act, judged and declared by the Parliament, commissioners of Parliament, or commander-in-chief in Ireland, to be fit and meet to be reserved,

Houses and
lands in Dublin,
Cork, Kildare,
and Catteragh,
reserved.
and hereditaments;
Lands given or
granted by Act
or ordinance of
Parliament.
used, and disposed of for the publique safety of the land, and the service of the Commonwealth; nor to the allotment, sale, or other disposition of any of the forfeited houses or lands as aforesaid, in any of the counties of Dublin, Cork, Kildare, or Catteragh, except onely of such manors, lands, tenements, counts as have been given, or granted unto, or settled upon, or intended or ordered to be given or granted unto, or settled upon any person or persons, their heirs or assigns, by any Act, ordinance, or order of Parliament or by the

the last article of the further instructions of the council of State, or as are particularly before in this Act disposed or appointed for the disbanded forces, widows, or orphans, in this Act before mentioned; all and every of which said manors, lands, tenements, and hereditaments, or manors, lands, tenements, and hereditaments to such value as have been given, granted, or settled, or intended to be given, granted, or settled as aforesaid, which are before in this Act disposed or appointed for the said disbanded forces, widows, or orphans; or as have been assigned or ordered by any Act, ordinance, or order of Parliament for satisfaction of debt, either in the said counties of Dublin, Cork, Kildare, or Catherlagh, or in any other the counties or provinces of Ireland; and also all grants, privileges, and immunities made and given by the commis-

Grants on the propositions by the Lord Deputy Ireton. sioners of Parliament in Ireland upon the propositions of the late Lord Deputy Ireton for the planting of Waterford (confirmed by the late Parliament), and to the present tenant or tenants of the island called the Little Island, in the river of Waterford, shall be and are hereby confirmed to them, their heirs and assignees, respectively, according to the true intent and meaning of such Acts, ordinances, orders, instructions, and grants, as aforesaid; any thing in this present Act, or in the former Acts or ordinances for the adventurers for lands in Ireland, to the contrary in any wise notwithstanding.

Persons employed herein not to be purchasers. Provided always and be it hereby declared, that no surveyor-general, register, under-surveyor, or any other person employed in the execution of this service, his or their childe or children, during the time of their employment, or any in trust for him or them, shall be admitted directly or indirectly to be a purchaser of any part of the lands to be surveyed, upon pain that the purchase be void unless that they do first acquaint the commissioners of Parliament with their desires, and obtain license from them for the same.

Such shall have lands set out for arrears or public debts. Provided always, that if any of the aforesaid persons to be employed by this Act, their childe or children, heirs or executors, have arrears or public debts due unto them from the Parliament which shall be allowed of as aforesaid, that the commissioners of Parliament be, and are hereby authorized to lay out and make over lands for their satisfaction in such manner and at such rates as are appointed by this present Act for other arrears or debts of the same nature.

Lands in Connaught and Clare, except Sligo, reserved. Provided always, that this Act, or anything therein contained, do not extend unto the forfeited lands in the province of Connaught and the county of Clare, nor any part thereof, for the ends and purposes aforesaid; except the lands about Sligo, and upon the sea-coast in this Act before-mentioned, to be assigned and set apart for the said forces lately disbanded, but that the said forfeited lands within the said province and county except as aforesaid, shall be and hereby are reserved and appointed for the habitation of all the Irish nation, comprehending in the qualifications mentioned in the Act, entitled, "An Act for settling Ireland," and for other the ends and uses specified and appointed in the foresaid further instructions from the council of state to the said commissioners, who are to dispose of the same accordingly.

Commissioners may direct Provided also, that in case the said commissioners of Parliament shall finde it inconvenient or dilatory to proceed in the first place to the ascertaining

transplantation before the claims determined. ing of titles and distinguishing of persons, according to the qualifications mentioned in the said Act for the settling of Ireland, before transporting the Irish, it shall and may be lawful for the said commissioners to order and direct the transplanting of the said Irish, although their claims be not first determined, or their qualifications distinguished: any thing in this Act, or any the aforesaid instructions to the contrary notwithstanding.

Lands to be set out in such case by estimation. And that it shall and may be lawful for the said commissioners of Parliament to set out unto such of the said Irish, whose claims shall not be timely determined, lands in Connaught, which by estimation may be proportionable to the estate so by them claimed, or competent to such stock, as each of the said persons shall have to occupy the said lands withal as the said commissioners shall think fit, and afterwards to determine their respective claims, and to put them into possession of lands accordingly.

Lands to inhabitants of Gloucester. And be it further enacted by the authority aforesaid, that in consideration of the losses sustained by Anthony Edwards, one of the aldermen of the city of Gloucester, and Thomas Whitcomb of the said city, and many others named in a list delivered in to the committee of the late Parliament for Irish affairs (by suffering their houses voluntarily to be burned, and their goods and lands destroyed for the service of the Parliament, before the late siege of the said city of Gloucester by the late King's forces), such part and share of the said forfeited lands as shall be valued at ten thousand pounds, according to the rates set upon those lands appointed by this Act to be set forth unto the adventurers for Irish lands, be set forth and sufficiently conveyed unto the said Anthony Edwards, Thomas Whitcomb, and their heirs, in trust for the use of themselves and all others named in the said list, to be divided amongst them or their heirs, executors, administrators, or assignes, of them, or any of them, respectively, according to their several and respective losses and sufferings mentioned in the said list.

Lands to the town of Liverpool. And be it further enacted, that in consideration of the great losses of the town of Liverpool, the commissioners of Parliament in Ireland shall set forth and appoint so much lands as amounts to the value of ten thousand pounds (according to the rates that the debts due upon the publique faith are appointed to be satisfied by this Act), for the use and benefit of the said town, and their successors for ever.

To Richard Nethowey. And be it further enacted by the authority aforesaid, that the commissioners of the Parliament in Ireland be, and they are hereby authorized and required to set out lands to the value of five hundred pounds of the aforesaid forfeited lands unto Richard Nethowey, of the city of Bristol, brewer, or his assignes, according to the rules and directions in this Act for satisfying the publique faith, and to put the said Richard Nethowey, his heirs or assignes, into the possession thereof, to be enjoyed by him, the said Richard Nethowey, his heirs or assignes accordingly.

Arrears to Colonel Hewson. Provided always, that the commander-in-chief and commissioners of Parliament in Ireland do cause the arrears of Colonel John Hewson, Governor of Dublin, for his service in Ireland, to be stated and set out unto him (in satisfaction for the arrears due to him for his service in England and Ireland, according to

to the rates in this Act mentioned) lands in some convenient place contiguous to his said command, anything in this Act to the contrary notwithstanding.

To John Cook. Provided also, and be it enacted, that this Act shall not extend to the dwelling-house of John Cook, one of the justices for the province of Munster, in Ireland, situate in the city of Waterford; nor to the farm of Kilbarry, being two plow-lands and an half, lying within the liberty of the said city; nor to the farm of Barnhaley, in the county of Cork, being three plowlands, which are in the possession of the said Justice Cook, which house, farms, and lands, with their appurtenances, are hereby settled upon the said John Cook, and his heirs for ever, for his good and faithful services in Ireland, and in lieu of all arrears of pension due unto him for the same.

Passed 26 September, 1653.
Confirmed, 1656. Cap. 10.

II.

The Order of the Council of State confirmed by this Act.

WHEREAS divers of the inhabitants of this Commonwealth did, in the year one thousand six hundred forty and two, and since, issue forth considerable sums of money, by way of adventure, for lands forfeited in Ireland (upon the late rebellion), according to sundry Acts and ordinances of Parliament, granted in that behalf, in pursuance whereof, and that every adventurer may receive satisfaction by lot, where his divident of land shall be, it is therefore ordered by the council of state, that Methusalah Turner, of Cheapside, London, linen-draper; Robert Hammon, of Broad-street, London, merchant; Henry Brandriff, of Walbrook, London, merchant; Nathanael Manton, of Ironmonger-lane, London, merchant; Elias Roberts, of Broad-street, London, merchant; Doctor Hubbard, of _____, Doctor of _____; Francis Blomer, of _____, Esquire; Colonel George Gill, and Lieutenant-Colonel Fenton, or any five or more of them, be intrusted, and are hereby authorized, to examine the truth of all men's claims, by comparing their receipts and assignments with the original books, and shall cause an entry to be made in a book, fairly written and kept for that purpose, of all and every such sum and sums of money (in words, and not in figures) as shall be by them allowed; as also of the names, as well of the first adventurers as of the person or persons now claiming the same; and shall likewise cause a transcript of the said original books to be written, and therein make from time to time, as they shall allow of any sum, a memorandum upon the sum so by them allowed, and there entered, that the same is allowed, to the end the same may not be again charged. And the said committee, or any five or more of them, after the claims are cleared, shall contrive and appoint such a method for the management of all men's lots, as to their utmost skill shall be most free from all offence and just exception.

And

And to the end all adventurers for lands in Ireland may have knowledge and take notice hereof, it is further ordered, that in Grocers' Hall, London, upon the twentieth day of July next ensuing, being in the year of our Lord one thousand six hundred fifty-three, by eight of the clock, in the morning, this lottery shall begin. And the said committee, or any five or more of them, are further ordered to admit so many adventurers to join in one and the same lot as shall desire it, provided no one lot exceed ten thousand pounds; and no more lots for the province of Munster then shall amount unto one hundred and ten thousand pounds: for the province of Leinster, two hundred and five thousand pounds; for the province of Ulster, forty-five thousand pounds, accompting all moneys as doubled brought in upon the ordinances of the fourteenth of July, one thousand six hundred forty-three, and the thirteenth of November, one thousand six hundred forty-seven, to make up the said sums; and in the second allotment for counties, no one lot to exceed five thousand pounds, and no more lots for the county of Waterford then shall amount unto twenty thousand pounds: for the county of Limerick, thirty thousand pounds; for the county of Tipperary, threescore thousand pounds; for the county of Eastmeath, fifty and five thousand pounds; for the county of Westmeath, threescore and ten thousand pounds; for the King's County, forty thousand pounds; for the Queen's County, forty thousand pounds; for the county of Antrim, fifteen thousand pounds; for the county of Down, fifteen thousand pounds; for the county of Armagh, fifteen thousand pounds; and after allotment is so made, to ascertain what quantity of land is due to each of the said adventurers, according to the rates for the respective provinces mentioned in the Act of Parliament in that behalf, and the measure allowed by the said respective Acts and ordinances within which such adventurer comes. But for avoiding the inconveniences that may arise from observing English and Irish measure, in the surveying and setting forth of the said lands, and that nevertheless the adventurers to whom it doth belong may have the benefit of Irish measure, it is ordered, that for such of the adventurers as have a right thereunto, the said committee shall compute and set down how many acres, English measure, such adventurer's proportion in Irish measure doth amount unto; and shall accordingly give unto each of the said adventurers a certificate, what number of acres (according to English measure) is due to him, either by force of the said Act, or in lieu and satisfaction of his proportion of acres, Irish measure, according to the said former Acts and ordinances; which certificate, under the hands and seals of any five or more of the aforesaid committee, shall be a sufficient warrant for every adventurer receiving the same to make his claim in Ireland. And the said committee shall cause an entry to be made in a book for that purpose of all and every certificate and certificates which they shall give to any person or persons, expressing the sum in words, and not in figures, the name of the first adventurer, and of the person to whom such certificate shall be given, together with the proportion of lands due to him, as the same shall be contained in the said certificate; and shall cause a transcript thereof in a parchment-roll to be made and transmitted into the Chamber of London, there to remain as a publique record.

Provided always, the right of election for provinces, in the manner of allotment, be preserved unto such as have or shall claim the same, upon the ordinances of the fourteenth of

July, one thousand six hundred forty and three, and the thirteenth of November, one thousand six hundred forty and seven.

And it is further ordered, that the said committee be authorized to receive one penny upon the pound of and for every adventurer, for so much land as he shall be entitled or lay claim unto, towards the defraying of all incident charges here for carrying on this service.

III.

The Commission with Instructions confirmed by this Act.

The Commission. THE keepers of the liberty of England, by authority of Parliament, to our trusty and well-beloved Charles Fleetwood, Esq., Lieutenant-General of the Army in Ireland, Edward Ludlow, Esq., Lieutenant-General of the Horse, Miles Corbet, Esq., and John Jones, Esq., greeting.

Whereas since the beginning of the late horrid rebellion in Ireland, in the year one thousand six hundred forty and one, four several Acts of Parliament have been made for the encouragement of well-affected persons, bodies politique and corporate, to pay in divers considerable sums of money by way of adventure towards the suppression of the said rebellion, that is to say, one Act, entitled, "An Act for the speedy and effectual reducing of the Rebels in His Majestie's Kingdom of Ireland to their due Obedience to His Majesty and the Crown of England." And one other Act, entitled, "An Act for adding unto and explaining of certain Clauses in another Act made this Parliament, entitled, 'An Act for the speedy and effectual reducing of the Rebels in His Majestie's Kingdom of Ireland to their due Obedience to His Majesty and the Crown of England.' " And one other Act, entitled, "An Act to enable Corporations and Bodies Politique to participate of the benefit of an Act lately passed, entitled, 'An Act for the speedy and effectual reducing of the Rebels in His Majestie's Kingdom of Ireland to their due Obedience to His Majesty and the Crown of England.' " And one other Act, entitled, "An Act for the further Advancement of an effectual and speedy Reduction of the Rebels in Ireland to the Obedience of His Majesty and the Crown of England." And whereas since the making of the said four Acts, one ordinance was also made, entitled, "An Ordinance or Declaration of the Lords and Commons assembled in Parliament for the Encouragement of the Adventurers to make new Subscriptions for Towns, Cities, and Lands in Ireland." And likewise another ordinance of the thirteenth of November, one thousand six hundred forty and seven. Upon which several Acts and ordinances great sums of money have been subscribed and paid in to the respective treasurers therein named, which by the said Acts and ordinances are to be satisfied by several proportions of the lands of the rebels aforesaid. And whereas, also, several great sums of money are grown due and in

in arrear, as well unto the officers and soldiers who have been employed in reducing the said rebels, as which have been lent, advanced, or are grown due for arms, ammunition, provissons, and other supplies for that service.

And whereas it is declared, that the said rebels are subdued, and that the rebellion in Ireland is appeased and ended, to the end that satisfaction may be made unto the adventurers, officers, soldiers, and other persons aforesaid, as soon as possible may be, and that countrey of Ireland planted and settled with security unto the inhabitants, and such as shall plant the same; We, reposing trust and confidence in your care and faithfulness, have constituted, ordained, and appointed, and by these presents do constitute, ordain, and appoint you our commissioners, giving and granting unto you, or any two or more of you, full power and authority in pursuance of the said Acts and ordinances to put in execution all and every the instructions hereunto annexed, for the exact and perfect survey and admeasurement of all and every the honors, baronies, castles, manors, lands, tenements, and hereditaments, forfeited by force or vertue of all or any of the said Acts; and also of all and every the honors, baronies, castles, manors, lands, tenements, and hereditaments, belonging to the Crown of England in the year one thousand six hundred and thirty, or any time since, or late belonging to any archbishop, bishop, dean, dean and chapter, or other office belonging to that hierarchy in right of the arch-bishoprick, deanery, or other office aforesaid.

And we do further hereby give power and authority to you our said commissioners, or two or more of you, to nominate and appoint such fit and able persons to be surveyors-general, and also to approve or reject, as you shall finde cause, such person and persons as shall be nominated unto you by the said surveyors-general to be employed as surveyors under them for the purposes aforesaid, and to constitute and appoint a fit person of integrity and ability (for such an imployment) to be register for the said lands, to execute and perform the office of register according to the instructions aforesaid, so far as the same concern the register.

And we do hereby further authorize you our said commissioners, or any two or more of you, to administer to all and every the said surveyors-general, register, deputy-register, and under-surveyors, before they enter upon the execution of their respective places, the oath and oaths respectively in and by the said instructions appointed to be administred, and to administer an oath in such other cases as are hereby appointed; and to appoint such and so many clerks and other officers onely as shall be necessary for the speedy perfecting the said work, and to give your warrant and warrants for payment from time to time of such moneys as shall be payable unto them and every of them for their respective salaries, out of the forfeited lands or publique revenues of Ireland, &c., in such maner as by the said instructions is appointed; and to do or cause to be done all and every other act and acts, thing and things, directed by or contained in the said instructions.

Witness our selves, at Westminster, &c.

IV.

The Instructions.

The Instructions. You shall immediately upon the receipt of this commission, cause proclamation to be made in every county of Ireland, so as the same may be forty days at the least before the setting forth of any of the lands in the said commission intended, to this effect, viz., that every person, or the heirs, executors, or assigns of such person, who, on the twenty-third day of October, in the year one thousand six hundred forty and one, had any lawful right, title, or interest in, or out of any of the lands of any of the rebels in Ireland, or any of the lands forfeited by the Acts of Parliament in the said commission specified lying within the county where any such proclamation shall be made, shall, within twenty days after the said proclamation shall be made in the said county, enter his and their claim to the same before such persons as shall be authorized by you to receive, hear and determine the said claims.

You shall forthwith appoint such commissioners as you shall think fit, and shall authorize them to receive all and every such claim and claims as shall be made in pursuance of the proclamation aforesaid, by the time therein limited, and to cause the same to be entered in such register as you shall appoint for that purpose; and immediately after the entry of such claims, to proceed in examining and determining the same; and that they cause a copy of such determination under their hands, or so many of them as you shall appoint, to be sent unto the register for the said forfeited lands, to be by him annexed to the survey of those lands, touching which such claim shall be made.

You shall cause to be surveyed all the honors, baronies, castles, manors, lands, tenements, and hereditaments of, or lately belonging to all and every the rebels of Ireland, and all the lands forfeited by virtue or force of the several Acts of Parliament in the said commission expressed, or any of them, lying or being within all and every the provinces of Ireland, and all the meadow, arable, and profitable pasture belonging to each of the said honors, baronies, castles, manors, lands, and tenements respectively, to be admeasured and set forth, so as the same may be certainly and distinctly known from other lands there, by their qualities, quantities, names, scituations, parish or place, where the same do ly, with their meets and bounds, the bogs, woods, and barren mountains belonging to the respective premises, being mentioned in such survey respectively, but not admeasured.

You shall give instructions to the surveyors-general, and the surveyors to be employed under them, in the first place to survey, admeasure, and set forth all and every such of the said forfeited lands and premises as shall lye and be within the respective counties of Limerick, Tipperary, and Waterford, in the province of Munster; the King's County, the Queen's County, the counties of Eastmeath and Westmeath, in the province of Leinster; the counties of

of Down, Antrim, and Armagh, in the province of Ulster ; and to divide all the forfeited lands, meadow, arrable and profitable pasture, with the woods and bogs and barren mountains thereunto respectively belonging, in each of the said counties (except the baronies of Dulick and Slane in the county of Eastmeath) into two equal moyeties, distinguished and bounded each from the other ; which division so made, the surveyors shall return by themselves apart, unto you, mentioning only in gross what honors, baronies, castles, lands, tenements, and hereditaments, each moyety did contain.

You shall likewise give instructions to the said surveyors-general, and the under-surveyors, that, in the next place after the surveying and admeasurement of the said premises in the ten counties aforesaid, they do survey, admeasure, and set forth all and every such of the said forfeited lands and premises as shall lye within the county of Lowth, in the province of Ulster, in such sort as they are appointed to survey, admeasure, and set forth the forfeited lands in the said ten counties, and to return the surveys thereof as soon as the same shall be perfected.

You shall authorize and appoint the surveyors-general to present unto you, from time to time, the names of such fit and able persons, who shall be well skilled in the art of surveying, as shall be necessary for the surveying and admeasurement of the lands and premises aforesaid, and to appoint by warrant under their hands and seals such and so many of them as you shall approve of, and think fit to be surveyors under them, and to allow unto each of them such allowances as the said surveyors-general shall think fit and necessary for carrying on the said work of surveying and measuring the premises as aforesaid, not exceeding three pounds for every thousand acres.

The said surveyors-general shall take a due account, that the said under-surveyors discharge their respective duties in this service ; and in case of neglect or unfaithfulness in any of them the said surveyors-general shall put out such under-surveyors, and put in such other fit and able person and persons in his or their rooms, from time to time, as they shall think fit.

The said under-surveyors so appointed as aforesaid shall have power to enter into all and every the forfeited lands aforesaid lying within such counties, places, and divisions, as they shall be appointed unto ; and as well by the oaths of good and lawful men as by all other lawful ways and means, to enquire and find out all and every the honors, baronies, castles, manors, mesuages, lands, tenements, rents, annuities, reversions, remainders, possessions, and other hereditaments whatsoever, which lately, or at any time since the twenty-third day of October, in the year one thousand six hundred forty and one, did belong unto any person or persons whose lands are forfeited as aforesaid, or to any other person in trust for him, them, or any of them, and the true yearly value thereof, as the same were letten for, or worth to be let, in the year one thousand six hundred and forty, or at any time before : and also what part of the premises are chargeable with any pious and charitable use or uses ; and also to enquire and survey what timber, buildings, open quarries, and mines are upon the premises, and to make true particular surveys of their proceedings.

The surveyors shall also, in like maner, and by the like ways and means, examine and finde out all such honors, castles, manors, lands, tenements, rents, or hereditaments belonging

ing unto the Crown, in the year one thousand six hundred and thirty, or any time since, and survey the same, with all houses, edifices, timber, woods, mines, and appurtenances thereto belonging, and return the same in distinct surveys by themselves, together with the true yearly value thereof, in the year one thousand six hundred and forty.

They shall also, by the like ways and means, examine and find out all baronies, baronies, castles, and manors, lands, tenements, rents, or other hereditaments, lately belonging to any archbishop, bishops, deans, dean and chapter, or other officers belonging to that hierarchy in Ireland, in the right of his archbishoprick, bishoprick, deanery, or office aforesaid, and survey the same, with all houses, edifices, timber, woods, mines, with the appurtenances, and return the same distinctly by themselves, together with the true yearly value, as the same was in the year one thousand six hundred and forty, which surveys shall be kept by the register distinct and apart from the surveys of the forfeited lands.

The said under-surveyors shall have power to keep courts of survey, and to call before them such persons as they conceive best know the forfeited lands to be admeasured by them, or the lands not forfeited lying amongst them, or abutting upon them, and to examine them concerning the meets, bounds, rights, title, rents, valuations, of any of the said lands and premises; and for the more full discoveries of the same, to examine upon oath all persons, other then such as have interest or title to the lands in question, whom they presume can inform them in the premises.

The said under-surveyors shall return every survey, as soon as the same is made, to the surveyors-general, attested under their hands, and a duplicate thereof, in like manner, attested, to the register, together with all records, evidences, and writings, which shall come to their hands concerning the premises.

The surveyors-general, upon the receipt of any survey or certificate from the under-surveyors, shall peruse them with diligence, and if they finde the same to be mistaken or defective, or any way insufficient to contract upon, or otherwise to be disposed of, that then they cause to be transcribed so much of the said survey as they shall judge to be mistaken, defective, or any ways imperfect, and return the same unto the respective under-surveyors, and certifie them the causes of their exceptions, who shall thereupon forthwith examine the truth thereof, and amend the same, or certifie the cause why they cannot do it.

The surveyors-general shall have power to certifie and amend mistakes, errors, and other matters that are not of substance in any of the said surveys, that the surveyors-general, in all cases where they can (by proof of witnesses upon oath, which they have hereby power to administer), amend and survey without any return of the surveyors; that then they, by the advice and consent of three of the commissioners aforesmentioned for hearing and determining claims, shall and may amend the same, which shall be as good and effectual as if the same had been so returned.

The Oath to be taken by the Surveyors-General.

„ I, A. B., do swear, that I will, according to my best skill and knowledge, faithfully discharge the duty and trust committed unto me as surveyor-general for Ireland, according to the

the instructions I have received, and shall receive in that behalf; and that I will not, for favour or affection, malice, reward, or gift, or hopes of reward or gift, break the same."

The Oath of the Under-Surveyors.

"I, A. B., do swear, that I will faithfully and truly, according to my best skill and knowledge, perform the duty and trust of a surveyor, in all such surveys as I shall be employed in, according unto the instructions which I have received, and such further instructions as I shall receive, from the commissioners of Parliament or surveyors-general; and shall make true returns thereof unto the surveyors-general and register; and shall neither for fear or favour, malice or reward, or hopes of reward, violate the trust reposed in me."

The register shall take and have the custody and keeping of all leiger-books, writings, and evidences which shall belong or in any wise appertain unto the lands, tenements, and premises, which are to be returned unto him by the surveyors, as also the duplicates of the surveys which shall be returned to him, which he shall fairly lay up and keep in good order, making catalogues of them in such manner as that any person may come readily to have a view of the same, and the said register hath power to give copies attested under his hand.

The Oath of the Register.

"I, A. B., do swear, that I will faithfully and truly, according to my best skill and knowledge, execute the office and place of register for the several lands in Ireland forfeited for treason, and other lands to be surveyed, according to the trust in me reposed, and such instructions as I shall receive in that behalf; and that I will not for fear, favour, malice or reward, or hope of reward, violate the said trust."

The like oath for the deputy-register, *mutatis mutandis*.

For the better keeping and preserving of the surveys, and all such records and writings as shall concern the premises, you are to appoint some convenient and publique place or house within the city of Dublin, for the surveyors-general and register to keep their said offices in, as you shall think fit.

The surveyors-general shall have each of them, from the date of their commission, the yearly salary of four hundred pounds, and the register the yearly salary of three hundred pounds; the one-half whereof to be paid to each of them in ready money quarterly, by equal portions out of the revenue of Ireland, by your warrant, the other half in lands, after the same rate as shall be allowed to those who have money due upon publique faith.

You are hereby empowered to allow unto such clerks and other officers as you shall finde necessary to be allowed to the said surveyors-general and register, for making out, entering, or transcribing surveys, particulars, contracts, journal-books, or other service, such competent and convenient salaries, to begin at such time as need shall require, as you shall think meet, to be paid quarterly unto them out of the publique revenue of Ireland.

The surveyors-general, register, under-surveyors, clerks, and other officers, being allowed salaries

salaries as aforesaid, shall not take or receive any fee, reward, or gratuity, from any person or persons, for or in respect of anything in relation to his or their office or employment aforesaid, upon pain of forfeiting his or their respective places and offices, and incurring such further punishment as the demerit of his or their offence shall deserve.

And whereas it is intended that the adventurers, soldiers, and officers should be satisfied, and Ireland planted with as much expedition as may be, you are to consider and advise whether by any other way or means then is before in and by these instructions prescribed, with less expence, and in a shorter time, a gross survey may be taken of the several honors, baronies, manors, lands, or tenements, so forfeited as aforesaid, so as there may be some certainty as to what honors, baronies, manors, lands, tenements, and hereditaments are forfeited, and an estimate made what quantity of meadow, arable, and profitable pasture, and what woods, bogs, and barren mountains are belonging to each of them respectively, that thereby way may be made for allotments between the adventurers and the said soldiers and officers; and afterwards, upon the division or allotment of each person's respective proportion, or in some convenient time after, a more exact admeasurement may be made. And in case you shall finde the same may be effected, you are hereby authorized and required to take such speedy course therein (without proceeding by the way of under-surveyors hereinbefore prescribed), as you shall judge most expedient and effectual to lessen the charge and shorten the work. And you are impowered to employ therein such and so many persons, and to allow them such salaries and recompence, to be paid in such maner, and to give them orders and instructions to proceed therein by such ways and means as you shall think fit. And you are to cause such gross surveys of each particular honor, barony, manor, lands, or tenements, and of the quantity and number of acres of meadow, arable, and profitable pasture, by estimation (together with the woods, bogs, and barren mountains), to each of them respectively (or to any two or more of them adjoining or lying together) belonging, to be taken and returned in writing under the hands of such persons as aforesaid, to the surveyors-general, and a duplicate thereof to the register for the said lands, with all possible expedition.

You shall give direction to the register aforesaid, that as soon as any such survey or estimate shall be transmitted unto him, he draw out of the same an abstract how many acres of meadow, arable, and profitable pasture, is in such survey or estimate mentioned to belong to such honor, barony, manor, or tenement, so as an exact and perfect abstract of all such of the said forfeited lands as are of that condition within the said ten counties, and also in the county of Lowth, may immediately, upon the return of the said surveys or estimates of the premises in the same eleven counties, be sent over unto Mr. Methusalah Turner, Robert Hammond, and others, appointed a committee to sit at Grocers' Hall, under your hands and seals.

You shall observe and execute such further instructions in and about the premises as you shall from time to time receive from the present council of state (until the meeting of the suprem authority of this nation), and afterwards from the said suprem authority, or others authorized by them on that behalf.

Whereas an Act of Parliament was made the twelfth day of August, one thousand six hundred fifty-two, entituled, "An Act for the Setling of Ireland," whereby it is declared,

that

that all and every person and persons of the Irish nation comprehended in any of the qualifications in that Act contained should be lyable to the penalties and forfeitures therein mentioned and contained, or be made capable of the mercy and pardon therein extended respectively, as is expressed and declared in the said Act and qualifications, to the end that no person or persons who is not comprehended within the said qualifications, or any of them, may receive prejudice in his lands or estate, and that every person to whom it doth belong may enjoy the mercy and favor intended unto him by the said Act. You are hereby authorized to receive, hear, and finally determine the complaints and claims of all and every such person and persons as shall before or within such time as you shall appoint, not exceeding forty days at the most, after his or their lands shall be surveyed as aforesaid, are hereby authorized and impowered to examine witnesses upon oath for charging or clearing such person or persons. And you shall thereupon transmit a copy of such your determination unto the register for the said lands, to be by him entred in a book for that purpose, according to which determination so certified the lands of such person or persons shall be either discharged or disposed of as other forfeited lands.

Provided that nothing herein contained shall extend to the surveying, admeasurement, or setting forth any of the honors, manors, lands, tenements, or hereditaments in Ireland, given or granted since the first day of November, in the year one thousand six hundred forty-one, by any Act, ordinance, or order of Parliament, to any person or persons whatsoever, or unto their heirs or assigns; nor to the manor of Blarny, in the county of Cork, with the lands, tenements, and hereditaments thereupon belonging.

And whereas for the lessening of the charge of the Commonwealth, and easing of the inhabitants of Ireland, it is resolved that part of the present army in Ireland be forthwith disbanded, and forasmuch as the surveying and dividing the ten counties aforesaid, and the determining the lots between the adventurers and soldiers touching the same, must necessarily be perfected before the soldiers can receive satisfaction of their arrears out of any of the forfeited lands in those counties, which will unavoidably require so much time as would be an occasion of a great charge to the Commonwealth in case such disbanding should be so long delayed. And it being evident that if the soldiers should be disbanded before they can receive satisfaction for their arrears, they would be exposed to great extremity, if not to utter ruine. To the end therefore such officers and soldiers as shall be so disbanded, may, immediately upon their disbanding, receive such proportions of land as may satisfie the arrears grown due unto them since the fifth of June, one thousand six hundred forty-nine, and be put into a way of planting, and the better enabled to subsist. You are hereby authorized and impowered, out of such of the forfeited lands (as are not already disposed of by any Act, ordinance, or order of Parliament) lying within any such five counties in Ireland as you shall think fit (other then the counties of Dublin, Kildare, and Caterlaugh, in the province of Leinster, and Cork in the province of Munster, and other then the eleven counties herein by name appointed to be surveyed) to set forth or cause to be set forth unto each of the officers and soldiers to be disbanded as aforesaid (clear of all such claims and titles provided for in the foregoing instructions) proportions of profitable land, by estimation or gross survey of the

number of acres, as shall be sufficient to satisfy the arrears due as aforesaid to such officer and soldier respectively, at the values and rates hereafter mentioned, that is to say, for one thousand acres in Ulster, two hundred pounds; for one thousand acres in Munster, four hundred and fifty pounds; and for one thousand acres in Leinster, six hundred pounds; all according to Irish measure; which estimate or gross survey you shall cause to be put in writing, and therein to be mentioned as well the sum of money due to such officer and soldier respectively for his arrears, as the number of acres arable, meadow, and profitable pasture, set forth unto him for his arrears, by estimation aforesaid, so deciphered and distinguished by the quantities, qualities, names, scituation, barony, manor, or parish, as aforesaid; and shall cause such survey to be sent unto the register for the said lands, to be safely kept as a record to the end that in case (upon a more exact survey and admeasurement to be made on the behalf of the State within five years next after such setting forth as aforesaid respectively) it shall appear that the premises expressed in such survey and enjoyed by virtue thereof do contain a greater number of acres then is mentioned in such estimate or gross survey, the same may be restored back for the use of the Commonwealth, unless such persons shall purchase the same in such manner as shall be hereafter declared.

Provided nevertheless, that if any officer or soldier so to be disbanded holdeth any custodium in any of the said five counties, or in the counties of Dublin, Kildare, Caterlaugh, and Cork, as aforesaid, and is there seated, and desires to retain the same, you are hereby impowered and authorized to contract with such officer and officers, soldier or soldiers, for houses and lands, with the appurtenances contained in such custodium, at such rates and values as you shall think fit for the advantage of the Commonwealth (having a due respect therein to the charge which hath been laid out by such officer or soldier in repairing or building upon the premises), and to allow the moneys due for such arrears as aforesaid unto such officer or soldier in payment of the purchase-money for the same, and in case the purchase shall amount to more then the arrears so due to such officer or soldier, then such remainder of the purchase-money shall be paid in to the publique treasury of Ireland for the use of the Commonwealth, and that such officer and officers, soldier and soldiers, shall by force thereof hold and enjoy the same according to such contract, which, together with the survey of the premises so contracted for, you shall cause to be returned to the said register, to be safely kept with the rest of the surveys.

Ex. Jo. THURLOE, Secretary.

V.

The further Instructions confirmed by this Act.

Further Instructions. You are hereby authorized and required either by proclamation or otherwise, as you shall think fit, to publish and declare, that for the better security of all those parts of Ireland which are now intended to be planted with English and Protestants,

testants, and to the end that all persons in Ireland who have right to articles, or to any favor and mercy held forth by any the qualifications in the Act of Parliament, entitled, " An Act for Setling of Ireland," may enjoy the benefit intended unto them, and every of them respectively. By the said Act it is thought fit and resolved, that all and every the persons aforesaid shall, before the first day of May, which shall be in the year one thousand six hundred fifty-four, remove and transplant themselves into the province of Connaught, and the county of Clare, or one of them, there to inhabit and abide; and shall have set forth unto them and every of them respectively, such proportions of land, and for such estates or terms, and under such conditions, reservations, and covenants, as shall be answerable in value unto so much of his and their estates as by such articles or qualification respectively he or they were to enjoy, in such place and maner as you, or such as shall be authorized by you, shall appoint and direct. And that whatsoeuer person or persons aforesaid shall, after the said first day of May, one thousand six hundred fifty and four, be found inhabiting or remaining in any part of the provinces of Leinster, Munster, or Ulster (except in the said county of Clare), or (without a pass from you, or any one of you, or under the hand and seal of such person or persons as shall be authorized by you to that purpose), travelling in any of the said provinces (except the said county of Clare), he and they shall be reputed spies and enemies, and shall for the same offence suffer death. And that all, and every person and persons aforesaid, who shall at or before the first day of May, one thousand six hundred fifty-four, quietly and peaceably remove into the said province of Connaught, or county of Clare, shall be pardoned all offences (except all and every person and persons, both principal and accessories, who, since the first day of October, one thousand six hundred forty and one, have, or shall kill or slay, or otherwise destroy any person or persons in Ireland, which at the time of their being so killed, slain, or destroyed, were not publiquely entertained and maintained in arms as officers or private soldiers for and on the behalf of the English against the Irish; and all and every person and persons, both principal and accessories, who, since the first day of October, one thousand six hundred forty and one, have killed, slain, or otherwise destroyed any person or persons entertained or maintained as officers or private soldiers for and on the behalf of the English against the Irish ; the said persons so killing, slaying, or otherwise destroying (not being then publiquely entertained and maintained in arms as officers or private soldiers under the command and pay of the Irish against the English), and shall be no more molested for the same.

Provided that none of the persons aforesaid shall be admitted to live in, or enter into any port, town, or garrison, within the said province of Connaught, or county of Clare (without license from you or any one of you, or such person or persons as you shall authorize thereunto), nor shall have or keep any arms used in war, or ammunition; but that all and every person and persons offending in either of the premises shall be tried by martial law, and, being convicted, shall suffer death.

Provided also, that this shall not extend to the pardoning, tolerating, or admitting any Popish priest, jesuit, or other person in orders by authority from the see of Rome.

Provided also, that this shall not extend to the removal of any person who did not adhere unto, or joyn with the rebels before the fifteenth day of September, one thousand six hundred

forty-three, and who did at that time and ever since profess the Protestant religion ; nor to any woman who, before the second day of December, one thousand six hundred and fifty, was married to any English Protestant ; provided that such woman do renounce Popery, and profess the Protestant religion ; nor to any male childe or children under the age of fourteen years, and females under the age of twelve years, whom any of the English have already, or shall be willing hereafter to entertain as servants, and to instruct and train up in the true Protestant religion, which said persons and children shall be suffered to live in any of the places allotted for the habitation of the English.

And you are further to declare, that in case any person or persons of the English nation, or any other person or persons professing the Protestant religion, and hath, during the late wars in Ireland, constantly adhered to the English against the rebels, who hath or have land within the said province of Connaught, or county of Clare, and hath not forfeited the same by rebellion or delinquency, shall desire to exchange the same or any part thereof, or remove themselves into such counties or provinces as are inhabited by the English ; that just surveys shall be taken of the lands and estates of such person and persons, and so much, or the value thereof, shall be set out unto them in lieu thereof, out of the forfeited lands in some other province or county, as shall be thought fit.

2. You are hereby authorized and impowered to nominate commissioners, and to authorize them to allot unto any person or persons who, by articles granted unto them, or by virtue of the qualifications in the said Act, were to enjoy any part of their estates, a like proportion of land by measure or in value in the province of Connaught, or the county of Clare, of the like estate of inheritance or freehold, or for the like term of years or number of lives, to be by them held and enjoyed in lieu or satisfaction of such part of their estate, which by such articles or qualifications he or they were to enjoy. And also to grant unto such of the said persons, or others as you shall think fit to be leaseholders from the Commonwealth, such convenient parcels of land in the said province of Connaught, or county of Clare, as by the said commissioners shall be judged fit, for any term not exceeding one and twenty years, or three lives, reserving to the use of the Commonwealth, upon every such demise, such reasonable rents, as with respect to the value of the said lands in the year one thousand six hundred and forty, shall be by you thought fit.

3. You are hereby authorized to give order and direction for the speedy removal of all or any the persons aforesaid unto the lands so allotted unto them, in such numbers and proportions as may consist with safety and security of the rest of the inhabitants, so as all the said persons be so removed before the first day of May, one thousand six hundred fifty-four, and within two months after the respective allotments so made, and directions given them by you, to take the same into possession.

4. Whatsoever person or persons so to be removed as aforesaid shall, after the said first day of May, one thousand six hundred fifty-four, be found in any part of the provinces of Leinster, Munster, or Ulster (except the county of Clare), or any way, without such pass as aforesaid, travelling in any of the said provinces (except in the county of Clare), or inhabiting or being in any port, town, or garrison, within the said province of Connaught, or county of Clare,

Clare, without such license as aforesaid, or having any ammunition or arms used in war, all and every such person and persons shall be tryed by martial law, and being convicted of such offence, shall suffer death ; and you are hereby authorized from time to time to issue out commissions for the speedy apprehending, tryal, and execution of such offenders.

5. You are also to authorize the said commissioners to cause exact surveys, upon oath, to be made of the lands, tenements, and hereditaments of such person and persons of the English nation, or other persons aforesaid, in Connaught, or in the county of Clare, as shall desire such exchange as aforesaid, which being returned unto you, you shall, out of the lands forfeited to the Commonwealth, or the lands, tenements, or hereditaments of the persons so removed, cause lands, tenements, or hereditaments of the like quantity or value, in such other province or county as you shall think fit, to be set forth unto such person and persons, to be enjoyed for such estate or term, and under the like covenants, conditions, and reservations as such lands, tenements, or hereditaments in the said province or county, and so exchanged, were held ; and shall cause an exact particular thereof, together with the survey aforesaid, to be returned to the register for the said forfeited lands, to remain of record.

6. You are hereby authorized to set out unto John Blackwel, the younger, of Mortelack, in the county of Surrey, Esq., his heirs and assigns, in satisfaction of the sum of two thousand three hundred and fifty pounds, advanced in several sums, by way of adventure, upon the propositions for rebels' lands in Ireland, and assign unto him so many acres of meadow, arable, and profitable pasture of the said lands (together with the bogs, woods, and barren mountains thereunto belonging) as are due unto him, according to the proportions and rates for the respective provinces in the Act of Parliament in that behalf expressed, and the measure allowed by the respective Acts and ordinances upon which the said several sums were advanced respectively, in such place and places as the said John Blackwel, his heirs or assigns, or his or their trustees in that behalf appointed, shall make choice of and desire, within the counties of Dublin, Kildare, and Cork, or any other county which is not particularly by these instructions, nor shall be by you, in pursuance thereof, designed and set apart for the satisfaction of the adventurers and soldiers, and not being by any Act, ordinance, or order of Parliament, or by authority derived from Parliament, set out, allotted, or granted to any particular person or persons ; and to put the said John Blackwel, his heirs or assigns, or his or their trustees, into the possession of the premises so to be set forth and allotted to him, to be by him, his heirs and assigns, held and enjoyed, in as full and ample maner, and with the like advantages, liberties, and privileges, as any the adventurers for lands in Ireland may and ought to hold and enjoy the lands set forth unto them, and as if the same lands and premises so set forth unto the said John Blackwel, his heirs and assigns, had come unto him or them by lot ; and that you cause an exact survey, upon oath, to be made of the premises, in writing, and returned unto the register for the said lands, to remain of record.

Passed 27 September.

VI.

Commission for Surveying of Lands in the County of Kilkenny^a.

THE said commissioners, by vertue of the authority and trust committed unto them in and by one Act of Parliament, entituled, " An Act for the speedy and effectuall Satisfaction of the Adventurers for Lands in Ireland, and of the Arrears due to the Souldiery there, and of other publique Debts," doe hereby authorize and appoint Henry Waddington, James Shane, Henry Greenway, and Sebastian Brigham, Esqrs., or any three or more of them, to hold and keep one or more courts of survey, for inquiring and finding out of all and every the honors, baronies, castles, manors, messuages, lands, tenements, rents, annuities, reversions, remainders, possessions, and other hereditaments whatsoever, which at any time since the twenty-third day of October, in the year 1641, did belong unto any person or persons, whose lands upon the said 23rd day of October were, or at any time since are forfeited to the Commonwealth, by vertue of an Act of Parliament, entituled, " An Act for the speedy and effectuall Reducing of the Rebels in his Majestie's Kingdome of Ireland to their due Obedience to his Majestie and the Crown of England," or by any other Act or Acts of Parliament; and likewise to inquire of and find out all such honors, baronies, castles, manors, lands, tenements, rents, and hereditaments belonging unto the Crown in the year 1630, or at any time since; and also to inquire of and find out all honors, baronies, castles, manors, lands, tenements, rents, or other hereditaments, lately belonging to any archbishop, bishop, dean, dean and chapter, or other officer belonging to that hierarchy in Ireland, in the right of his archbishoprick, bishoprick, deanery, or office aforesaid, within any of the baronies of Kilkenny, Rathconrath, Demifooore, Moyashell and Moghrediernan, Ffortulla or Ffarbillagh, Clonlownan, Moyerashell or Moycashell, Moygoish, Corkerry, Delvin, Ffarbill, territory of Birrawny, lands of Moydrum, within the county of Westmeath, together with all houses, edifices, timber, woods, mines, and other appurtenances belonging to all and every the premisses within the county and place aforesaid; and to survey the same, and make returne thereof distinctly by themselves, that is to say, fforfeited lands, with the appurtenances, by themselves; Crown lands, with the appurtenances, by themselves; and lands belonging to the said hierarchy, by themselves. In the holding and keeping of which courts of survey, the said Henry Waddington, &c., or any three or more of them, are hereby authorized and required to send for such persons as they shall judge any way able to informe them concerning the premisses to come before them, and examine the said persons, upon oath, for the better discovery of what they know in and about the said premisses. And it is further ordered, that in making returns of the said survey the said Henry Waddington, &c., doe observe and put in execution the instructions hereunto annexed; and that before they doe act anything by vertue of this commission, they doe take the oath ensuing, vix.: " You shall faithfully promise and swear, in the presence of the great and mighty God, that you

^a From the Record Branch of the Paymaster of Civil Services' Office.

you shall well and truely execute the power and trust to you committed, by vertue of this commission and instructions, according to the best of your skill and knowledge." And the said Henry Waddington and James Shane are to administer the said oath each unto other. And they, or any one or more of them, having so taken the said oath, are hereby authorized to administer the same unto the rest of the persons hereby appointed for the execution of this commission and instructions, as aforesaid.

Dated at Dublin, the 2nd of June, 1654.

Instructions to be observed by Henry Waddington, James Shane, Henry Greenaway, and Sebastian Brigham, Esqrs., in the Holding and Keeping of Courts of Survey of the Honors, Baronies, Castles, Lands, Tenements, and Hereditaments, in and by the annexed Commission given them in Charge to survey, and in the surveying of the same accordingly.

You are forthwith, upon receipt of your commission, to meet in some convenient place within the said county, to take the oath prescribed in your said commission, for the due execution of the trust thereby committed unto you, and to consider in what barony or place you shall judge it most convenient to appoint the first court of survey to bee kept, in order to the prosecution of your said commission, and accordingly to appoint time and place for that end. And for the more effectual performance of the said service, you are authorized to adjourne from time to time, and from place to place, in such manner as you shall judge to bee most conducive to the speedy and effectuall discharge of the said work. And in the first place you are to survey, according to the tenor of your commission and these instructions, the baronies of Clonlownan, Moycashell, Moygoish, Corkerry, Delvin, Ffarbill, territory of Birawny, and lands of Moydrum adjoyning thereunto, being the baronies that are fallen by lot to the souldiery within the said county.

You are with all convenient speed to enter into and upon all and every the honors, baronies, manors, castles, messuages, and other the lands, tenements, and hereditaments whatsoever mentioned in your commission, lying within the said county of Westmeath. And by your oathes of good and lawfull men, and by all other lawfull wayes and meanes, you are to inquire and find out the premisses, and every of them, with their and every of their appurtenances. And you are to view and survey the same, or cause the same to be viewed and surveyed, so as the premisses and every of them may (either by your own view, or by the view and testimony of good and lawfull persons, upon oath) bee certainly, distinctly, and entirely known from other lands, by their respective qualities, quantities, or number of acres by estimation (according to one and twenty foot to the perch, and one hundred and sixty perches to the acre), also by their names, scituacion, parish, or place where the same doe lye, with their respective meets and bounds; the bogs, woods, and barren mountains, belonging to the respective premisses, or any of them, being mentioned, and the quantity thereof estimated and distinguished from the profitable lands in the said survey. And for the better execution of your said commission, you are, as often as you see cause, to summon one or more juries,

and

and to give them in charge to inquire and find out all and every the particulars of these instructions, and to cause such juries, when and as often as you shall judge it necessary, to view and tread the meets and bounds of the premisses, and to forme all such other matters and things as are perfectly inquirable in courts of survey, as you shall give the same in charge unto them.

You are, by the like waies and meanes, to inquire of and find out the true yearly value of the premisses, and of every of them, as the same were lett for, or worth to be lett, in the year 1640, or at any time before; and also what part of the premisses are chargeable with any pious and charitable use or uses; and also to inquire of and survey, or cause to bee surveyed, the buildings, houses, edifices, timber, woods, open quarries, or mines, upon the premisses, and to make true and particular returns of the same in your booke of survey.

You are to call before you all such persons as now are, or formerly have been, stewards, bayliffs, reeves, or collectors of rents, issues, revenues, or profits of the premisses, or any part thereof; and likewise all such persons as now are, or formerly have been, tenants of the premisses, or any part thereof, and also such other persons as you conceive may best know the premisses, or any of them, or as many of the said persons as you can conveniently summon to appear before you, and to examine them upon oath concerning the meets and bounds of the premisses, and concerning the rents, issues, profits, valuations, royalties, perquisits of courts, tythes, or impropriations, rights, titles, and other emoluments unto the premisses, or any of them, belonging or appertaining, or held, or enjoyed with the same, as parte, parcell, or member thereof, or appendant to the same, together with their and every of their particular values, which you are distinctly to retурne in your booke of survey as aforesaid.

You are further strictly to inquire and examine as aforesaid what court-rolls, rentalls, booke of survey, books of accompts, or what other records, evidences, or writings touching every the premisses, or any part of them, any of the said persons have come to the knowledge of; and where and in whose custody the same do remayne; which said court-rolls, rentalls, booke of accompt, or other records, evidences, and writings, you are to demand and receive into your custody.

In returning your survey of any honors, manors, lands, tenements, or hereditaments, belonging to the Crown, or to archbishops, bishops, deans, deans and chapters, or other officers belonging to that hierarchy, you are particularly to inquire, by your waies and meanes aforesaid, what leases are in being of any part of the said last-mentioned premisses, when the same did respectively commence, for what terme granted, to whom the same were so granted, what rents and other duties were reserved thereupon, who are the present tenants of such lands so granted, and in whose right they hold the same, and when and from whom such right is or hath been made over unto them, or unto the persons for or from whom they hold the same respectively.

In case you find variance in the evidence which shall be given, touching the extent or valuation of the premisses, or any part of them, or any other particular given in charge, and if the said variation or difference bee considerable, or if you conceive the evidence to differ from truth to the prejudice of the Commonwealth, or any other person, you are in those cases, as well by

by your own view as by such other good waies and meanes as you judge fitt, to informe yourselves of the truth in such particulars, and to certify as well the said evidence at large as your own judgment touching those particulars, with the reasons inducing you to vary from such evidence.

Where you shall find no possibility, by reason of the wastnes or depopulation of the country, to make so particular a survey as is directed, or to inform yourselves so exactly of the meets, bounds, or other certenties of the premisses, or any of them, as is before required, you are in such cases to use your best wayes and meanes you can for the discovery of all and every the particulars herein given you in charge, and to certify upon all such particulars the manner of your proceedings, and the causes why you cannot returne the said survey of them according to the instructions given you.

And because it is required that the quantity or number of acres contained in the premisses, and in every part or parcell of them, should be distinctly and particularly admeasured, you are, therefore, out of the survey taken by you of the premisses, and every part of the same, to cause an abstract to bee drawn, containing the names of all and every such parcells of land as shall bee by you surveyed in every respective barony, according to the tenor of your commission, with their respective bounds and meets, and the parishes or places where the same do respectively lie, not mentioning the quantity or value of the same; and the said abstract so drawn you are to deliver to such persons as shall be authorized and commissioned to admeasure the same. In which abstract you are to distinguish which of the said lands are forfeited lands, and also which lands are Crown lands, and which lands are lands lately belonging to any archbishop, bishop, dean, dean and chapter, or other officers of that hierarchy, to the end the same may bee distinctly admeasured, and distinct plotts returned of the same.

And for the better assistance of the said persons who shall be appointed to admeasure the premisses, or any part of them, you are hereby authorized and required, by warrants under your hand, to appoint (out of the inhabitants of the said county), such and so many fitt persons as shall be judged necessary to attend the said surveyors in admeasuring of the premisses, or any parte thereof, for to shew and tread out the meets and bounds of any the said lands respectively; as also to informe and make known, as often as there shall bee occasion, the meets of the several baronies and parishes, and the course that the said meets and bounds doe runne.

And for the more full and better discovery of the interest of the Commonwealth in or out of lands in the said county, you are further authorized and appointed to inquire what other lands in any of the baronies aforesaid are claymed by any English or Protestants, how meared, scituate, and bounded, and in what parishes or places respectively the said lands doe lye, what number of acres such lands so claymed do respectively conteine by estimation, according to the measure of 21 ffoot to the pole, and 160 poles to the acre; what leases, annuities, rents, or other profits are made off, or is issuing, or of right ought to issue out of the same to the Commonwealth, in right of any person or persons who have forfeited their interests in the same to the Commonwealth; which you are likewise to return in your survey, therein setting down the particular yearly values of every such lease, annuity, rent, or other profit.

Having finished the survey of every the said baronies within the said county according to the aforementioned rules and instructions given you, you are to cause the same to bee fairly ingrossed in one or more booke, setting down the survey of each barony by itself, and to return the same, attested under your hands, or the hands of any three or more of you, together with this commission and instructions, close sealed up, to the surveyor-generall, and a duplicate thereof, in like manner fairly ingrossed, attested, and sealed up, to the register for forfeited lands in Ireland, at Dublin, together with all records, evidences, and writings which shall come to your hands concerning the premisses or any part of them. In the retурне, transcription, or making up of which survey, or in any other thing relating to the premisses, you are further to observe such instructions as shall bee sent you by the said commissioners of the Commonwealth, or by the surveyor-generall.

You are to use all expedition in the execution of the aforementioned instructions, that the service of the Commonwealth may not bee retarded thereby; and for the more effectuall performance of the severall duties herein directed, you are hereby authorized to employ such and so many persons under you for writing, ingrossing, and transcribing of such depositions, surveys, and duplicates, as you are to take and returne by vertue of the above said commission, and to give to each of them such allowance as you shall think fit, provided no unecessary or immoderate charge bee contracted thereby upon the Commonwealth; and that no one person receive for his paines in writing or transcribing the depositions and surveys as aforesaid above the rate of twenty shillings per week.

Lastly, you are not without speciall lycense or order in writing from the said commissioners to discover to any person the particular values, extent, or the like certainties of the premisses to bee by you surveyed, according to this commission, other then what was before directed to such as shall bee appointed to admeasure any part of the said premisses, nor to keep any coppies of the same with your selves or with any of those that shall bee employed by you.

Dublin, 2 June, 1654.

C. F. (CHARLES FLEETWOOD.)

M. C. (MILES CORBETT.)

J. J. (JOHN JONES.)

VII.

Instructions to be observed by Mr. Thomas Jackson, appointed Surveyor for the Baronies of Clanwilliam, Kilmallock, Small County, Owny Begg, Coshma, Costleane, and Citty and Liberties of Limerick, in the County of Limerick, in his Surveying and Admeasuring the said Baronies, and in making his Returne of the same^a.

You are forthwith to repayre unto the said county, there to demand and receive from Robert Cox, Wm. Ramsey, Samuell Clearke, and Thomas Robinson, Esqrs., or any three or more of them

^a From the Record Branch of the Paymaster of Civil Services' Office.

them, appointed commissioners for the surveying the county of Limerick, a transcript of all the forfeited lands, as alsoe of all lands belonging to the Crown, or any archbishop, bishopp, deane, dean and chapter, or other officer of that hierarchye, lying in the baronies of Clanwilliam, Kilmallock, Small County, Owny Begg, Coshma, Costleane, citty and libertyes of Limerick aforesaid, which are to be admeasured by you.

In the admeasuring of which, if any of the said forfeited lands or other lands given you in charge to admeasure by your commission, lye wholly surrounded or meared with lands not forfeited nor in the dispose of the Commonwealth, you are, as oft as the same shall happen, to surround and admeasure every such parcell of forfeited land by it selfe, whither the said parcell be little or great, or doe conteyne more or lesse number of acres.

Where the said forfeited lands, or other lands to be admeasured by you as aforesaid, or any of them, are meared partly by lands not forfeited nor in the dispose of the Commonwealth, partly by mountayne, lough, bogg, or the like unprofitable land, you are in such cases to surround and admeasure by instrument the said profitable lands only, the said unprofitable mountaynes or boggs, if belonging to the premisses, or any part thereof, being to be estimated by you, and by some tying-lyne or otherwise, exprest in your plotts.

Where any large parcell of the said forfeited lands shall lye together in any barrony conteyning the estates and proprietyes of severall persons who have forfeited the same, if within the said parcell there shall not be mixed any land unforfeited, nor any barren mountaynes, longh, bogg, or other land unprofitable, nor any lands lately belonging to the Crowne, or to any archbishop, bishop, deane, deane and chapter, or other officer of that hierarchye, in right of their respective officers, you are in all such cases to admeasure exactly with your instruments only the outlines or bounds of the said parcell, and accordingly to cast up the contents of the whole, subdividing and distinguishing by estimate the estates of the severall proprietors within the said parcell and the quantityes of each of them respectively.

Where any large parcell of fforfeited land shall lye together in any barrony conteining as aforesaid the estates and proprietyes of severall persons who have forfeited the same, if within the said parcel of forfeited land there shall be scituate other smaller parcels of land not forfeited, or of lands lately belonging to the Crowne, or to any archbishop, bishop, deane, deane and chapter, or any other officer of that hierarchye, in the right of his or their office as aforesaid, or of lands barren and unprofitable, you are in such cases, besides the admeasurement of the outline or bounds of the said parcell of forfeited lands, exactly to admeasure with the instrument all such parcels of land by themselves as are not forfeited, likewise all such as are Crowne lands and Church lands, and all as are barren and unprofitable.

Where any parcell of lands forfeited belonging to one or more proprietors, and lying altogether, shall extend it selfe unto severall baronies, and be scituate parte in one barrony, parte in some other barrony, if the barrony or baronyes in which part of the said forfeited lands doe lye be not any of the baronies mentioned in your commission, you are in such case to admeasure with the instrument soe much of the said parcell of fforfeited lands only as lyeth within the baronies, you are to admeasure and to note the same as part only of the said proprietors' lands.

In your survey or admeasuring any parcell of fforfeited lands, as oft as you come upon, or crosse the meare of any barrony, you are diligently to enquire and informe your selfe how the said meares and bounds doe runn, and either by taking the angles, or by such other wayes and meanes as you thinke best, and may be speedyest done, to ascertaine the said bounds and meares of the respective barronyes, soe as that the same may be drawne and sett downe by you in a touch plott.

As touching unprofitable lands, which by these instructions you are appointed to survey only by estimate, you are faythfully to describe the nature, quality and quantity, and bounds of the said land, and especially where the same boundeth upon the profitable lands which you are to survey, and to sett downe the reasons why you account or returne the same unprofitable.

In the taking the survey of all Crowne lands, or lands lately belonging to any archbischopp, bishopp, deane, deane and chapter, or other officer of that hierarchye, you are to returne the surveys of each of the said lands respectively in distinct plotts by themselves. Haveing taken exactly the contents of lands forfeited in any of the said barronies, you are by your owne view, and such further information as shal be given you by the commissioners appointed for the survey of the said county, to describe and sett downe in a toutch plott the severall and respective proprietors' land not forfeited within the said barronyes, according to their severall and respective scituatioun, and the estimate of their respective quantitiyes given by the counting of them at 160 poles to the acre and twenty-one ffoote to each pole.

Lastly, you are to returne the plotts of each barrony by it selfe, together with the booke of reference belonging to the said plotts respectively, unto the surveyors-general his office, in the drawing or making up of which you are from tyme to tyme to follow such instructions as shal be sent you from the said commissioners of the Comonwealth, or from the said surveyor-general, and to act and doe all other things relating to your commission as are required in the duty of a surveyor.

Dublin, 12 June, 1654.

C. F.
M. C.
J. J.

VIII.

The Oath given to the Surveyors employed by Dr. Petty^a.

You shall, in the presence and fear of the Lord, swear that you will faithfully and truely, according to your best skill and knowledg, perform the duty and trust of a surveyor in all such surveys as you shall be imployed in, according unto the instructions you either have or shall receive from the surveyor-general, or such others as are or shall thereunto authorized, and shall make true returns thereof, and shall neither for fear nor favour, malice or reward, or hope of reward, violate the trust reposed in you.

XI.

^a From the Record Branch of the Paymaster of Civil Services' Office.

IX.

Committee for Obstructions in Surveys to meet touching Civill Surveys^a.

ORDERED, that it bee referred to the committee for removing obstructions in the surveys undertaken by Dr. Petty, to meet to-morrow morning, and consider of the proceedings of the commissioners for the civill survey, and how the concealements of lands may bee remedied, how farre the present surveys may bee of use, and what course is to bee taken for having true and full civill surveys returned, to remaine of record for publique use. And they are to treat with the commissioners-general concerning abstracts to bee given of the civill survey, and concerning the sufficiency of the present surveys.

Dublin, 12 February, 1654-5.

T. H. (THOMAS HERBERT.)
C. C. (CHARLES COOTE.)

X.

Order for the settling of Troops disbanded in 1655^a.

GENTLEMEN,—Wee lately sent you a commission and instructions for the setting out of lands in satisfaction of the arreares of certaine troopes and companies named in a list or schedule annexed to the said commission, according to certaine instructions in the said commission given you; notwithstanding which we thought fitt to acquaint you, that in case any of the said troopes, companies, or persons, did slacken their march thither, or did delay both their own comeing, or sending upon the place some person to demand their lands for them, contrary to the orders given them, wee judge their slacknes or neglect should not or ought not to prejudice the rest who are ready and desirous to have their lands given them, and therefore would have you proceed to the casting of lotts, and to the determining in what manner the said troopes or companies shall sitt down, according to the instructions in that behalf given you; notwithstanding, some troopes or companies, or the agents for them, may not bee there present, which lotts also are to bee as binding and concluding to the said persons absent as if they or any in their name or behalf were there present, and consenting to them.

And if, upon drawing the said lotts, such troop or companies or persons as shall bee at the same time absent, or any of them, are, according to the said lott, to sett downe before those troopes, companies, or persons that are present, or before some of them. In that case, if no agent with debentures bee there ready to demand their lands for them, you are to respit so much land from being sett out to any other in the place where the said absent lott shall fall, as will answer the sum of the said troop or company, or other persons that are absent, according as in the list mentioned, and at the rates which shall bee agreed upon that others were to have it.

Whereas likewise, in that list sent down to you, many single persons are at the end of several troopes and companies added whose sums or arreares are not sett down with their

names,

^a From the Record Branch of the Paymaster of Civil Services' Office.

names, in regard they are not of the muster of October, 1653. And that it is supposed they were reduced out of other companies, or probably might bee of the late disbanded, and so have received satisfaction, and were since taken into the muster againe.

It is desired, therefore, you wil bee very strict in the inquiry into this busines, and to observe carefully in the first place this generall rule: not to admitt any person to satisfaction that produceth not his originall debenture; and where any of the said single persons, whose arrears are left doubtfull in the said list, shall produce their originall debenture to you, yet you are to suspend his satisfaction if it appear to you hee was formerly a disbanded person, and that hee hath been since taken in againe.

But forasmuch as no unnecessary prejudice is to bee put upon any of the said persons, therefore, if any of the said single persons whose arrears are left doubtful as aforesaid shall produce their original debenture to you, and that the officers shall make oath before you (which oath you are hereby impowered to administer), or otherwise shall give a sufficient and clear testimony on his behalf, that hee was never disbanded, but reduced only out of some other troop or company wherein hee served; in that case you may satisfy them, making a memorandum upon the backside of each of the said debentures, what oath was made on his behalf, or how farre the truth of the thing did appear to you, to the end it may bee here further examined.

Wee further think it fitt that you will bee very carefull in crossing the names in the margin, of all persons in the list, whose debentures you take in, and of fileing your debentures, that all confusion may (as much as may bee) bee avoyded, and that you delay not all the retурne of them, according to the directions of your commission, after you have given out certificates for them.

Lastly, if there shall appear to you any necessity of some persons to be employed in the nature of a clerk to attend you, and to assist you in the casting up of the lands, in writing certificates, and doing the like duties, you are to make choyce of some able and fitt man, and (returning his name immediately unto us), a warrant shall bee ordered for the payment of a fitt salary or reward (during that time) to him; and if there shall be any thing else you shall judge needful to expedite this service, or shall find any obstructions in it, you are from time to time to acquaint us with it, or to intimate it to the surveyor-general.

Dated at the Castle of Dublin the 8th of September, 1655.

T. H. (THOMAS HERBERT.)

C. C. (CHARLES COOTE.)

XI.

Order for the Survey by Mr. Worsley and Dr. Petty of the Adventurers' Lands and other Lands^a.

WHEREAS, it hath been held expedient that the forfeited lands within the moyety of the ten counties fallen by lott to the adventurers, the forfeited lands in the county of Lowth and county of Leitrim, and the forfeited lands that were set out to the souldiers in 1653, and such

other

* From the Record Branch of the Paymaster of Civil Services' Office.

other lands escheated to his Highnes and the Commonwealth as are not yet admeasured, should be forthwith admeasured by an exact survey. And whereas, for the better and more advantageous dispatch thereof, it hath also been ordered that Benjamin Worsley, surveyor-generall, and Doctor William Petty, should be joyntly authorized and impowered to carry on the said work, and to employ such fitt and able artists in it as they should think fitt; it is, for the further management and direction of the said survey, thought fitt and ordered, that the said surveyor-generall and Doctor William Petty do take care for the admeasurement, in the first place, of the moyety of the ten counties fallen by lott to the adventurers, and of the county of Lowth, and when, as much help is applied for the survey of the said counties as conveniently can be, that they do likewise use all possible expedition for the admeasurement of the rest of the land above-mentioned set out to the disbanded in 1653. In the admeasurement of which said lands, set out to the said disbanded, they are also to take care and provide that an exact returne be had of the present proprietors of each land, and who the said proprietors do clayme their right from, whether immediately from the Commonwealth for any arreares due to them, or from any other person passing or conveying his said right over to them, and who the said persons are. And it is further ordered, that the several artists imployed by the said surveyor-generall and Doctor Petty for the admeasuring of the above said lands, be, before they enter into the said employment, duely sworn according to the directions of the Act, and that they be required to pursue these or the like instructions following (viz.) :—

You shall well and sufficiently survey and admeasure, or cause to be surveyed and admeasured, all the honors, castles, manors, lands, tenements, and hereditaments of or lately belonging to all and every the rebels, in any of the baronies of the ten half-counties in Ireland, fallen by lott to the adventurers (and mentioned in the late "Act for Satisfaction of the Adventurers and Souldiers of the 26th of September, 1653"); as likewise all honors, castles, manors, lands, tenements, and hereditaments of or lately belonging to all and every the rebels, in the county of Lowth and county of Letrim, and also all the lands, tenements, and hereditaments of, or lately belonging to all and every the rebels, in any of the baronies within the county of Cork, Kilkenny, Longford, Lowth, Cavan, Monaghan, Ffermanagh, Sligo, and Mayo, heretofore appointed to be set out to the officers and souldiers disbanded in 1653; and all the lands forfeited by virtue or fforce of the several Acts of Parliament, or any of them, which shall ly or be in the said baronies, or in any of them, and all the forfeited meadow, arable, and profitable pasture belonging to each of the said honors, baronies, castles, manors, lands, tenements, and hereditaments, as part and parcel of the said lands respectively, and every and any of them distinctly to survey, admeasure, and set forth by the instrument, so as each of the same may be certainly and distinctly known from other lands by their qualities, quantities, names, scituations, parish, or place where the same do ly, with their metes and bounds, the boggs, woods, and barren mountaines belonging to the respective premises, or any of them, being mentioned and distinguished from other lands in every such survey.

You are to survey or cause to be surveyed and admeasured with the instrument, all the said lands mentioned in the aforesaid article, into the smallest and lowest denominations that

are

are (that is to say), into town-lands, plough-lands, cartronnes, or any other denominations of lands proper to the said baronies and counties where the said lands do ly (or that are usually known and observed in the said baronies), according to the bounds of each of the said denominations respectively, so as each of the same may be certainly and distinctly known from other lands of the like denominations in the said barony.

You are to subdivide the said town-lands, plow-lands, cartrons, or other the usual denominations of lands, according to the number of proprietors who have forfeited their estates, and have lands conteined in any of the said denominations, and to distinguish the metes and bounds of each of the said respective estates belonging to the said several and respective persons who have forfeited the same. Provided that if the said forfeited estates, which shall ly intermixt one with another, or with lands unforfeited, be in small parcells, and under forty acres entirely together; in all such cases it shall and may be lawful to return the said lands by estimate only, without surveying the metes and bounds of each of them distinctly by the instrument.

For the better ascertaining of what land is judged to be bog and barren mountaines, you are faithfully to describe the nature, quality, and bounds of all such kind of lands, and especially to make some eminent mark where the same runns and bounds with other land, arable, meadow, or profitable pasture land. You are also to describe the nature and qualities of the said mountaine and bog, and to set down reasons and grounds for returning the same as such.

And to the end it may be the better ascertained what woods are to be cast in, and what are to be reserved according to the intent of the "Act for the Satisfaction of the Adventurers and Souldiers," you are carefully to distinguish the woods growing upon barren mountaines, or which are not fitt for timber, from all other woods; and the woods so reserved by the said Act you are to survey by themselves, and to make particular returns of them.

You are carefully to survey and admeasure with the instrument the out-meares and bounds of all and every the baronies within the counties mentioned in the above said first article, and the same so surveyed distinctly to protract and lay down, to the end that the civil metes and bounds of each barony may be the better known and preserved, and that exact and perfect mappes may be held of the said metes and bounds of each of the said baronies.

You are to give into the office of the surveyor-general fair plotts and bookees of survey, fairly writ, of all and every the said baronies, and of all the honors, manors, castles, lands, tenements, and hereditaments forfeited in each or any of the said baronies, together with bookees of references answering to the said plotts, in which you are at large to describe the bounds and metes of all the said forfeited townes and lands, with all other their appurtenances, and to set down what you find observable in them, or any of them; all which you are to give in under your hands; in the making and drawing up of which plotts and bookees you are to observe such further forme, method, and rules, as hath been given by the surveyor-general in the like case.

Dated at the Council Chamber in Dublin, the 3rd day of September, 1656.

T. H.
C. C.
XII.

XII.*

Specimen Sheet.—Strafford Survey.

KILLCHRIST PARISH.

COUNTY GALLWAY—DUNKELLIN BARONY.

Proprietors' Names.	Quarters and Cartrons.	Denominations of Lands.	Number of Acres.
Earl of Clanrickard, .	1 Car. $\frac{1}{10}$ Car.,	Killchrist and Gortnamacken, 1 Qr., ibidem,	19 0 0
Viscount Clanmorris, .	$\frac{1}{2}$ Car.,	Ibidem,	49 0 0
Earl of Clanrickard, .	$\frac{1}{2}$ Qr.,	In Cloghmoill, Qr.,	19 0 0
Viscount Clanmorris, .	$\frac{1}{2}$ Car.,	In Gortroe,	48 0 0
Earl of Clanrickard, .	$\frac{1}{2}$ Car.,	In Ballychuddy, Qr.,	19 0 0
Viscount Clanmorris, .	$\frac{1}{2}$ Car.,	Ibidem,	48 0 0
Earl of Clanrickard, .	1 Car.,	In Coilbaghla, $\frac{1}{2}$ Qr.,	19 0 0
Viscount Clanmorris, .	1 Car.,	Ibidem,	49 0 0

Ex^d. P. G.

The above-mentioned particulars (for so much) agree with the book of reference of Strafford's Survey, taken of the parish, barony, and county aforesaid, remaining on record in their Majesties' Surveyor-General's office.

RICHARD THOMPSON,

Deputy Surveyor-General.

* Record Branch of the Paymaster of Civil Services' Office.

Specimen Sheet.—Civil Survey.

COUNTY TIPPERARY.—IKEARIN BARRONY.

Proprietors' Names.	Denominations of Land.	Number of Plantation Acres by Estimation.	Lands Profitable, and the Quantity.	Lands Unprofitable, and the Quantity.	Value of which and each Lands in A. M. 1641.	Value per Annum for a Lease of 31 or 41 Years.
Earl Roscommon, . .	Corbally, one halfe of a colpoe. . . .	1025	{ Arr. 325 Past. 100	Red bogg, 600.	£ s. d. 20 0 0	£ s. d. 63 15 0
	The said Earl of Roscommon, proprietor of the said lands in fee, by descent from his ancestors.					
	The impropriation of Corbally of the inheritance of the Earl of Roscommon, and possessed on the 23rd of October, 1641, by Roger Meagher, of Cloneane, deceased, and now by his wife, — Meagher, by virtue of a lease, not product unto us; valued in anno 1641,					
	Corbally, . .				£ s. d. 63 15 0	
	Tythe, . .	35 0				
	Gortmulline, 21 16 0					
	Cloneane, . . 6 0 0					
	Macklone, . . 10 0 0					
						98 15 0
						136 11 0

Specimen Sheet.—Grosse Survey.

C O U N T Y T Y R O N E . — D U N G A N N O N B A R O N Y .

WEE doe find and present that in the barony of Dungannon	£ s. d.
lyeth all that proportion or precinct of land called the manors of Kynnard and Mynterbirell, whereof Sir Philemy O'Neale was, before and on the 23rd day of Octobre, 1641, ceased and possest, which proportion and manors consisted of 38 balleboes or townes of land, and $\frac{1}{2}$, contained after the measure of the generall survey formerly taken, 2300 acres by estimation, be they more or less, and were upon the said 23rd of Octobre, 1641, esteemed to be worth per annum,	1600 0 0
Being parcells of the lands above-mentioned, pretended to containe by a particular survey about 600 acres, are claimed by Charles Bolton, Esq., as leased to him by Sir Philemy O'Neale in consideration of £1000 fine, and reservation of £29 yearly rent, for 60 years, commencing All Saints, 1640, of which lands the said Charles was possest upon the 23rd of Octobre, 1641, and they were then worth per annum, £150, &c., the profit arising thereout,	121 0 0
Being three townes or balleboes of the land above-mentioned; are claimed by George Randen of Lisnagarvy, Esq., as leased to him by Sir Philimy O'Neals for 61 years, under the rent of £100, &c., whereof the said George was in possession 23rd October, 1641, and they were then worth per annum,	50 0 0

Examined per P. G. K.

The above and foregoing particulars, for so much, agree with the estimat or gross taken in the year 1653 of the baronies and counties aforesaid, remaining on record in His Majestie's Surveyor-General's Office.

THO. TAYLOR,
Deputy Surveyor-General.

BARONY OF BALLAGHKEENE, AND PARISH OF KILMOKKRISH.

A DESCRIPTION OF THE BARONY.

An Abstract of the Contents of the Forfeited
Irish Papists' Lands
in each Parish within this Barony.

This barony is bounded on the south-west with the barony of Shemnaliere; on the west, with a small part of the barony of Bantry; on the north-west, with the barony of Sherrywelsch; on the north-east, with the barony of Gory; and on the south-east, with the Irish Sea. The soyle of this lande is generally sandy neare the sea, but a more solid soyle farther in. It is much, of late years, overgrown with furz and heath, by the extraordinary waste which is occasioned by the frequent resort of Tories hither, see as noe English dare plant, as yet, therein; nor any Irish, saveinge on the borders of the barony, and the nearest to our garrison, (which is Enniscorthy, which lyes on the edge of the barony of the other syde the River Slane), which live in small crates. All the houses and castles thearein are burned and ruined, saveinge the castle of Ballenore, which is somethings in repaire, with a reasonable good bound on the west syde: it is bounded with the River Slane, which is very profitable for fishing, especially for salmonne, trout, pike, and good yeale. The tyde heare ebbs and flowes, and canne at all times carry a boat of a good burden downe to the haven of Wexford, which is the chief towne therabouts. Noe other river adornes this barony that is considerable but the River Ownvvaragh, which hath his rize twixt the parishes of Millenagh and Kilmennanagh; hearein are found good trout, pikes, and seela. In this barony is the noted Bog of Ithy, which is usually the shelter and haunt of Tories; is very dangerous to goe uppon, and usefull for nothing, saveinge some hooches which are therre cut and made. Heare is only one church standing upon the barony, which is the church of Mouinemolin, whose walls are standinge, the roofer for the most part covered. The soyle generally of this barony is held fitteth to produce barley, rye, and oats. This barony consists of 22 parishes, viz.: Kilmengh, Killenagh, Domnaghmore, Ballavalley, Ballavallor, Ardemaine, Killinagh, Killilly, Cast-Elish, St. Margaret, Kilmennanagh, Millenagh, Killinagh, Killilly, Cast-Elish, St. Margaret, Kilcornmacke, Sh'reene, Nicholase, Killake, Kilmaloge, Ballastane, Edermine, Ballashakart, and Templehamon. There is only two small woods in this barony; the one in the parish of Nicholase, the other in the parish of Millenagh, but none which may be properly called good timber wood, being but small ash and beech tree, and a great part shirbury underwood.

	Globe Landes in the same.	Bishops' Landes in the same.	Unprofitable Landes in the same.
A. R. P.	A. R. P.	A. R. P.	A. R. P.
In Kilmokkrish Parish,	374 2 0	21 0 0	232 0 0
In part of Killancory Parish,	710 2 0	3 0 0	290 1 0
In Ballavalley Parish,	273 3 0	49 0 0	89 1 20
In Ballavallor Parish,	1080 0 20	16 0 0	.. .
In the Parish of Ardemaine,	1502 1 20	4 3 20	.. .
In the Parish of Killenagh,	607 2 20	20 2 0	.. .
In Domnaghmore Parish,	278 0 0	12 2 0	.. .
In Mouinemolin Parish,	1121 3 0	21 0 0	535 0 0
In one part of Kilmennanagh,	159 0 0	24 0 0	493 0 0
In the other part of Kilmennanagh,	572 3 0	.. .	31 0 0
In the other part of Killancory,	25 2 0	21 0 0	.. .
In the Parish of Millenagh,	1702 0 0	25 0 0	.. .
In the Parish of Killilly,	203 1 0	20 1 0	.. .
In the Parish of Cast-Elish,	1876 0 0	23 2 20	.. .
In the Parish of St. Margaret's,	77 0 0	.. .	.. .
In the parish of Kilcornmacke,	1535 2 20	21 3 0	.. .
In the Parish of Sh'reene,	444 0 0	4 0 0	.. .
In the Parish of St. Nicholas,	638 0 0	1 3 0	.. .
The Parish of Killinagh,	983 3 20	17 0 20	163 0 0
The Parish of Kilmologe,	192 0 0	12 0 0	.. .
The Parish of Ballastane,	975 2 0	.. .	.. .
The Parish of Edermine,	1067 3 0	13 2 0	.. .
The Parish of Ballashakart,	2793 2 20	12 1 24	364 0 0
The Parish of Templehamon,	697 3 20	13 0 0	.. .
TOTALS,	19892 1 20	354 1 4	1581 1 0

An Abstract of the Totals of the Profitable, Forfeited, the Globe, Bishop's, and Unforfeited Lands, viz.:—

A.	R. P.
Total of the Irish Papists' Landes forfeited in this barony,	1892 1 20
Total of the Globe Landes in the same,	354 1 4
Total of the Bishops' Landes in the same,	1581 1 0
Total of unprofitable forfeited Lande in the same,	871 0 20
Total of the Contents of the Barony of Ballaghgreen,	12699 0 4

THE PARISH OF KILMORRISH.	Numbers in the Flock.	Irish Proprietors' Names.	Denominations of Landes.	Number of Acres by Admeasurement.	Landes Profitable.	Landes Unprofitable.
This parish is bounded on the south-west with the parish of Killancousy, on the west with the parish of Millenagh, on the north-west with part of the parish of Kilnemannagh, and on the north and east, with part of the parish of Killancousy. It is generally good land; arable ground, with a small quantity of meadow and pasture. It contains the following denominations, Ballleadan, &c.; Kilmolony, &c.; Dundrone, Ballenevidan, &c.; with a small glebe, and unfeoffed landes, the denominations not well knowne belonging to my Lord Mount Norris, one house, castles, chares, or rivers on the same, savinge the River Ownyvaragh, which borders it on the north part.		I 2 3 C B A B	James Murcho, Irish Papist, Thomas same, Tiragh Murchoe, Landes, Glebe Landes in this Parish, { Surround of the unfeoffed } Landes, The same, TOTAL OF THE PARRISH.	A. R. P. A. R. P. A. R. P. A. R. P. Balleadan & Ballenevan, Kilmolony or Crymore, For Dundrone, Ballenevidan & Ballintegart, . 627 2 0	B 232 0 0 C 21 0 0 P 374 2 0	

THE OTHER PART OF THE PARISH OF KILLANCONEY.	Numbers of the Flock.	Irish Proprietors' Names.	Denominations of Landes.	Landes Profitable.	Landes Unprofitable.
This part of the parish is bounded on the north with the parish of Kilmorrish, on the west with the parish of Millenagh, and on the south with the parish of Ballvalden, with a small parcel of glebe landes and much unfeoffed; in it is a small parcel of glebe landes, with some unfeoffed landes belonging to my Lord Mount Morris.	b 2 C A	Eneas Kensallagh, James Murchoe, Glebe Landes, Unfeoffed Landes, TOTAL OF THIS PARRISH.	Part of Gorremurronghue, Part of Billedan, In the same Parrish, 46 2 0	A. R. P. A. R. P. A. R. P. A. R. P. 8 2 0 Ar. M. & Past. 8 2 0 17 0 0 Ar. & Past. 17 0 0 21 0 0 Ar. & Past. 21 0 0	P 25 2 0

XIII.^a

At the Committee of Irish Affaires the 28th January, 1661.

PRESENT :

LORD LIEUTENANT OF IRELAND.

LORD CHAMBERLAINE.

EARLE OF ANGLESEY.

LORD HOLLIS.

MR. SECRETARY NICHOLAS.

MR. SECRETARY MORRICE.

M. Antrim,
Alderman
Ffoulke, Sir Jo.
Cutler, Last In-
struction, Sir W.
Petty.

MARQUESS of Antrim's business considered; read and resolved that his Ma-
jesty be mooved concerning the same to-morrow from this Committee by the
Earle of Anglesey.

That the business of Alderman Ffoulk and Mr. Cory, and the rest of the
poore Protestants of Ireland, be also then reported by the said Earle.

Sir John Cutler. Petition of Sir John Cuttler,—a saveing in the proviso for the Lord Tre-
asurer, &c., for the estate of Mr. Wallopp, of such right as the said Sir John, &c.,
hath in any of the lands heretofore belonging to the said Wallopp, any thing therein contained
to the contrary notwithstanding.

Last instruction
to be left out. The last instruction, referring to the King's further direction, to be left
out.

Sir William Petty. Sir William Petty's petition presented by the Earle of Anglesey. Request
granted. Mr. Secretary Morrice desired to prepare a letter for his Majes-
tie's signature to that purpose.

XIV.^a

TO THE KING'S MOST EXCELLENT MAJESTIE.

The humble Petition of Sir William Pettie.

Petition, Sir W. PETTIE. SREWETH, that your petitioner bestowed much paines for the space of 3 years
about setting out lands to the souldiery in Ireland, being thereunto appointed
by themselves.

That the said souldiery have now voluntarilly desired a clause to bee inserted in the Bill
for raiseing two pence an acre wherewith to discharge severall former engagements, as well as
to

^a From the Record Tower, Dublin Castle.

to defray the future charges of their settlement, which said acrege may amount unto twenty thousand pounds, and consequently be sufficient to answer all ends.

Prayer and pro-vise for the ar-rears of mallery to be paid him for setting out the lands to the souldiery.
Your petitioner, therefore, and for that hee desires nothing from your Majestie, nor from any others not properly engaged, nor even from them, but what may justly and conveniently be done, doth humbly pray that hee may not loose this opportunity, for which he hath waited these seaven yeares, of being considered for the said most painefull service and his many sufferings arriseing from the same, but that in order to his releife these following words may be added to the said clause (viz.) out of which mony such compensation is to be made to Sir William Pettie, Knight, for his service and sufferings in and about the setting out lands in satisfaction of the said souldiery as the cheife governor and councill of Ireland for the time being shall thinke reasonable.

And hee shall ever pray.

XV.^a

TO THE KING'S MOST EXCELLENT MAJESTY.

The humble Petition of Sir William Petty, Knight.

Sir William Petty's petition concerning a penny an acre agreed by some persons to be given him for admeasuring lands, &c.
SHEWETH, that there remaines unsatisfyed unto your petitioner part of the penny an acre agreed to be given him by particular persons for admeasuring the lands sett out unto them before the yeare 1659, in your Majesty's king-dome of Ireland, which your petitioner is disabled to recover by reason of your Majesty's most happy restoration which made void all the security which your petitioner had for the same. Moreover your petitioner hath beeene at many hundred pounds charge, and severall yeares' labour in composeing a most exact mapp of that king-dome, which is yett imperfect for want of reasonable help and encouragement.

Your petitioner humbly prays that he may be enabled by some clause in the Act now under consideration to recover his said debts, and be further encouraged as your Majesty shall think fitt for perfecting the said mapp.

And he shall ever praye.

Copia vera ex per

EDM. STACKE.

J. FYULLERTON.

Whitehall, October 14, 1664.

Order upon the
foregoing petition
of Sir William
Petty.

His Majesty is graciously pleased to referr this petition to his Grace the Duke of Ormond, Lord Lieutenant of Ireland, who, calling to his assistance such of the committee for Irish affaires as he shall think fitt, is to consider

the

^a From the Record Tower, Dublin Castle.

the contents of the same, and to do therein what his Grace shall finde just and expedient to be done on the petitioner's behalfe, or otherwise to make report of his Grace's opinion to his Majesty, who will then declare his further pleasure.

WILL. MORICE.

Copia vera ex per
EDM. STACKE.
J. FULLERTON.

XVI.*

TO THE KING'S MOST EXCELLENT MAJESTIE.

The humble Petition of Sir William Pettie, Knight.

Petitions that an end may be put to his many yeares' troubles.

By ordering the annexed clause to be inserted.

same which is granted to all others.

His Majestie's allowance of the arrears of admeasurement, &c.

And the clause answers not the ends.

Prayes it may extend to all as well as the souldiery.

abundant reason for the equitie thereof.

The petitioner's labour in setting out lands to the souldiers without recompence, but instead thereof received damages.

Prayes allowance out of the money to be raised on the souldiers.

He is settled in lands on which

SHEWETH, that your petitioner's right to lands in Ireland having been already very often examined both in England and Ireland, he most humbly beseecheth your Majestie that he may now at last receive an end of his many yeares' troubles and causeless vexations from your Majestie's own gracious hand, and as a testimony of your Majestie's royall favour and bountie towards him, by ordering the annexed clause to be inserted, the matter of what he desires being but the

That whereas your Majestie hath already been graciously pleased to afford your petitioner a remedy for recovering his arrears of admeasurement, and withall recommended him for an encouragement and assistance to finish the maps of Ireland. Now for as much as the clause inserted for that purpose is by some accident so penn'd that it answers neither of the said ends, your petitioner prayes it may extend to all the lands admeasured by your petitioners as well as to that of the souldiery, your petitioner being able to shew abundant reason for the equitie thereof.

That whereas your petitioner hath formerly laboured night and day for three yeares' space in setting out lands to the souldiery without any recompence, and hath suffered infinite wrongs and damages by reason thereof, he humbly prayes he may have such a consideration for the same out of the moneys by this Act to be raised out of the souldiers for purposes of this nature, as the Lord Lieutenant and councell of Ireland, or any other indifferent persons, to be appointed by your Majestie, shall think fitt.

Whereas your petitioner is settled in some lands wherein the Lord of Gormanstown hath an interest by way of mortgage only, he humbly prayes

that

* From the Record Tower, Dublin Castle.

the Lord of Gor-
manstowne hath
a mortgage.

And prayes the
same bee satisfied
out of other men's
lands by way of
reprize ;
it facilitating the
settlement.

that although your Majestie be pleased to restore his said Lordship to his lands of inheritance, yet that his Lordship may receive satisfaction for his mortgage-money upon other men's lands in the same manner as your petitioner should receive a reprize in case he were removed, the same being no prejudice to his Lordship, but a facilitation of the common settlement.

And your petitioner shall ever pray, &c.

Hamton Court, July 6, 1665.

His Majestie is graciously pleased that such a clause be inserted in the Bill under consideration for Ireland, in behalf of Sir William Pettie, as may be a finall settlement to him in his lands there, according to the common retrenchment in the case of adventurers and soldiers. And that the other parts of his petition be provided for so farr as they be not inconsistent with the generall settlement. And it is referred to the Solicitor-General to see the same done accordingly, or to repeat [report?] his reasons to the contrary.

ARLINGTON.

XVII.

Mr. Cheesey.—Instructions for Kerry.—By Sir William Petty.*

1. WHEN you goe into Kerry find out Cornelius Sulivane of Dromoughty in barony of Glaneroughty, and take directions from him for goeing into all the woods in the 2 barrynes of Glanneroughty and Dunkerron, and particularly those of Glancurragh, soe as to satisfie your selfe what clift-ware, ship-tymber, house-timber, and other wooden commodityes may bee made out of them, and at what charges they may bee brought to the water-side, how far each respetive wood.

2. I would have you take the best accompt you can of all the staffes and other clift-ware which now lyeth upon the river, and examine by all the meanes you can what part of them was brought from any other than my woods, and to oppose the shpping of any untill all controversies of that point bee cleared to prevent the cutting of any wood but by my order ; to bring in English and Protestante workmen in the greatest number you can, assureing all such who are able and honest they shall have the best encouragement in Munster, and forbidding all tenants from paying any rent to any but my selfe or my order.

3. I would have you encourage Sandford and Sellberry, and lett Sandford goe on with his boate ; as alsoe another boate, slender worke, such a one as may bee able to carry 20 tunne to Corke or Lymericke, and sett as many hands as you think convenient to worke upp the timber already fallen into clift-ware, and sawing-tymber, according to such scantlings as I have given you.

And

* From the Record Branch, Paymaster of Civil Services' Office.

And to agree with as many as you can to take the rent of the land or stocke for their wages.

To take care that noe pipe-staffes coming from any other woods not to be shipped before they have paid the lawfull dutyes and customes for the same.

To consider what convenienecy is for makeing of sale for beefe and fish.

Dublin, dated the 24th of May, 1666.



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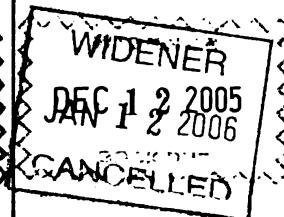
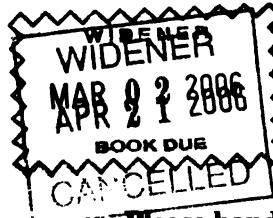
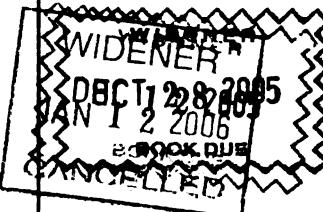


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